92-254

No. _____

Supreme Court, U.S.
FILED
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IN THE

SUPREME COURT OF THE UNITED STATES

- - - -

OCTOBER TERM 1992

JAY B. BRIGHT, PETITIONER, Pro Se

V.

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS COUNCIL OF AAUP CHAPTERS
FEDERAL BUREAU OF INVESTIGATION
IMMIGRATION AND NATURALIZATION SERVICE
NEW JERSEY DIVISION OF STATE POLICE
- RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

- - - - - - - - - - - -

PETITION FOR A WRIT OF CERTIORARI

- - - -

Jay B. Bright, Petitioner, Pro Se
212 - B Hillcrest Avenue
Collingswood NEW JERSEY 08108
(609) 854 7809

QUESTIONS PRESENTED

Question 1 :

Can a U.S. Court of Appeals ongoingly allow - sans opinion - a U.S. District Court's blatant usurpation of power including the U.S. District Judge's repeated defraudation of court documents and of court procedure, and the District Judge's ongoing endorsment of stark and unlawful deviations of defendants from lawful judicial procedure ?

Question 2:

Can a U.S. Court of Appeals permit its Clerks and Staff Attorneys to ongoingly and repeatedly obstruct justice ?

Question 3 : Can a U.S. District Judge dismiss complaints against named individuals in the executive branch of the United States government and those in a State (New Jersey) citing lack of subject matter jurisdiction and sovereign immunity when named offcials are sued by plaintiff,

the District court Complaint itself details and attaches documentation indicative of wrongdoing, plaintiff has already moved for production of documents prior to the dismissal ruling, and said defendants have refused to comply ?

Question 4 : Can a U.S. District Judge refuse to review dossiers on a plaintiff with the Goverments of the United States and of a State (New Jersey) when the plaintiff, in his District Court complaint itself, profusely details and thereto appends documents indicative of ongoing, malicious and brutal abuse of the plaintff's constitutional rights; and further states that these abuses occured (and continue) in league with, among other, other listed defendants ?

Question 5 : Would a U.S. District Judge's earlier dismissal of Complaints against listed defendant United States be held valid when later, in an oral

argument court hearing, the Judge says that it is his policy never to interfere with what United States does, when the District Court Complaint itself profusely details and documents indications of substantial wrongdoing by listed defendant United States ?

Question 6 : Can individuals in the executive branch of the United States actively and maliciously interfere - in league with persons who are part of the Federal Courts, among others - with the judicial process during as well as after the U.S.'s status as a defendant in a Federal complaint ?

Question 7 : Can a U.S. District Judge repeatedly, premeditatedly and with prejudice defraud court proceedings ?

Question 8 : Can a U.S. District Judge ongoingly endorse evidence tampering, falsification of evidence, fraudulent affidavits, and violation of lawful

judicial procedure by defendants ?

Question 9 : Can a U.S. District Judge dismiss complaints against defendants when discovery and other court proceedings involving defendants and defense counsel are characterized by clear, blatant and ongoing unlawfulness ?

Question 10 : Can a U.S. District Judge endorse and permit defendants (two out of five listed defendants) to file Answers to the Complaint late and in clear violation of Federal Rules of Civil Procedure ?

Question 11. : Can a U.S. District Judge refuse to refer to the U.S. Attorney plaintiff's repeated alerts to the court, profusely and meticulously documenting fraud committed by defendants and their counsel in court proceedings ?

Question 12 : Can a U.S. District Judge delay for a whole year ruling on urgent motions and petitions of a plaintiff relating to very substanal violations of

judicial procedure when the rules of that District Court require rulings in 24 days ?

Question 13 : Can a Deputy Clerk in a U.S. District Court issue an Order permitting a defendant to file an Answer to the Complaint when the statutory time limit has expired ?

Question 14 : Can a U.S. Court of Appeals, when it is repeatedly alerted with profuse documentation, endorse blatant and ongoing unlawfulness in District Court proceedings ?

Question 15 : Can a Title VII EEOC complaint be time-barred when the plaintiff "suspected" unlawful discrimination, demanded facts to verify it, the employer refused to supply facts, and the plaintiff within 180 days of said refusal filed the EEOC complaint ? And further when the employer then supplied falsified and fraudulent data to both the EEOC and the

U.S. Dist Court ?

LIST OF PARTIES :

The Petitioner, Pro Se, :

Jay B. Bright, 212 - B Hillcrest Ave,

Collingswood, New Jersey, 08108

Tel # (609) 854 7809 ;

The Respondents :

FOR RUTGERS UNIVERSITY:

Aron Schwartz,Esq,

77 Headquarters Pl N,

Morristown,NJ,07960;

FOR RUTGERS COUNCIL OF AAUP CHAPTERS:

Denise Reinhardt,Esq, 744 Broad St.,

Newark, NJ, 07102;

FOR NEW JERSEY: Michael Furda,Esq,

CN 116, Trenton NJ, 08625;

FOR THE UNITED STATES :

Dorothy Donnelly,Esq,

402 E. State St., Trenton, NJ, 08608.

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LIST OF STATUTES AND RULES CITED :

U.S. CONSTITUTION PROVISIONS :

The Fourth, the Fifth and the Fourteenth Amendments to the U.S. Constitution.

JURISDICTION IN THE DISTRICT COURT

(i) The Fourth Amemdment to the U.S. Constitution;

(ii) The Fifth Amemdment to the U.S.Constitution;

(iii) The Fourteenth Amemdment to the

U.S.Constitution;

(iv) Title VII of the Civil Rights Act of 1964, as amended;

(v) 42 USC 1981;

(vi) 42 USC 1983;

(vii) 42 USC 1985(2);

(viii) 42 USC 1986;

(ix) 42 USC 1988;

(x) 42 USC 2000(e);

(xi) 42 USC 2000(e)-2(a)(1);

(xii) 42 USC 2000(e)-2(a)(2);

(xiii) 42 USC 2000(e)-3(a);

(xiv) 42 USC 2000(e)-5(f)(3);

(xv) 42 USC 2000(e)-6(a);

(xvi) 42 USC2000(e)-6(b);

(xvii) 28 USC 1343;

(xviii) 28 USC 2201;

(xix) 28 USC 2202;

(xx) The Pendent Jurisdiction of the Dist Court/ 28 USC 1343

LIST OF JUDICIAL TENETS :

- Due Process of law
- Interest of Justice

LIST OF RULES CITED :

Fed R Civ P, Rule 1

Fed R Civ P, Rule 12(a) . . .

F R Civ P 33

F R Civ P 37(a)(3)

F R Civ P 45(b)

F R Civ P 56(d) . . . .

F R Civ P 56(f)

Dist Ct Rule 12(C)

N.B.: All rules enunciated / Apdx G-2

B O O K S :

Discovery by Haydock and Herr

Boston : Little, Brown & Co.,

1983

(quotation at Apdx J-4.2)

> > > >

5.0 OPINIONS BELOW :

The U.S. Court of Appeals for the 3d Circuit wrote no opnion vis-a-vis any of my appeals [Rehearing, Final Appeal, two Interlocutory Appeals, and a Mandamus Petition. The Final Appeal was filed April 30,1991, and was affirmed by a Judgment Order (i.e., sans opinion) on March 16, 1992.

The Rehearing Petition was denied sans opinion on April 15,1992.

The Opinion of the U.S. District Court enterd February 20,1991 is reproduced at AAPENDIX F.

6.0 JURISDICTION OF THE COURT :

This Petition for an Extraordinary (Supervisory) Writ is sought under 28 USC S 1651(a) vis-a-vis repeated, stark, and unlawful deviations from established (lawful) judicial procedure in the U.S. District Court for the district of New

Jersey (Camden, New Jersey vicin
ity, and on account of ongoing, unques-
tioned, sans opinion endorsement of such
by the United States Court of Appeals/3d
Circuit.

7.0 CONSTITUTIONAL PROVISIONS :

The Fourth Amendment to the U.S.
Constitution, the Fifth Amendment to the
U.S. Constitution, and the Fourteenth
amendment to the U.S. Constitution
(reproduced in APPENDIX G 1.)

R U L E S Involved :

Federal Rules of Civil Procedure :

Rule 12(a)

Rule 33

Rule 37(a)(3)

Rule 45(b)

Rule 56(d)

Rule 56(f)

Local(District) Rules

Rule 12(C)

(all Rules reproduced at Apdx G 2)

8.0 STATEMENT OF THE CASE :

KINDLY NOTE :

8.1 - The Petitioner is Pro Se, and has been a Pro Se litigant in both the lower Federal courts.

- The Petitioner, Pro Se, was a Plaintiff, Pro Se, and a Plaintiff-Appellant, Pro Se, in the lower courts

- The Petitioner, in this petition as well as in the lower courts, refers to himself as either "plaintiff" or as "I, me . . ."

- "D S I" = the Docket Sheet Item in the U.S. Dist Court

8.2 Petitioner/Plaintiff, Pro Se, "proceeded on the original record" in the U.S.C.A. / 3d Circuit; i.e., plaintiff's Brief in the C.A. had the entire record of the Dist Ct as its appendix.

8.3 On September 21, 1988. Petitioner ("plaintiff" or "I, me,...") filed a Complaint in the U.S. Dist Ct, District of

New Jersey, against Rutgers, the State University of New Jersey, the Faculty Union (Rutgers Council of AAUP Chapters), an official in the New Jersey Division of State Police, an official in the Federal Bureau of Investigation, and an official in the Immigration and Naturalization Service. The Complaint charged not only an abridgment of plaintiff's civil and constitutional rights by Rutgers University ("Rutgers"), but also a systematic, ongoing concerted activity to injur plaintiff economically, socially and in other ways; the conspiracy invlovling University officials, Union officials, faculty members, faculty union members, several adult students, businessmen who were on the University's advisory committees, and officials in the County, State and the U.S. govenments, among others : most with strong and ongoing ties with Rutgers. The complaint, with its forty-

four exhibits attached thereto, documented some of the conspiracy. Portions of the Dist Ct Complaint are at APPENDIX H while the Dist Ct jurisdiction is at APPENDIX A-3 .

8.4 On December 23,1988 plaintiff (i.e., Petitioner) filed motions in the Dist Ct seeking, among other, a "production of documents" from all listed defendants - Please See APPENDIX I - whereupon, ignoring said motion for discovery, conusel for defendants New Hersey and U.S. cross-moved for dismissal of complaints against them.

8.5 On March 22, 1989 the U.S. District Judge dismissed my (plaintiff-petitioner's) complaint against the official of New Jersey Division of State Police on grounds of sovereign immunity - Please See APPENDIX B .

8.6 On April 4, 1989 the District Judge dismissed my complaint against

individual officials in the Federal Brueau of Investigation (FBI) and in the Immigration and Naturalization Service (INS) in the face of my pending, and ignored, motions for discovery (production of documents) - Please See APPENDIX C.

8.7 Between July 1989 and September 1989 the remaining two defendants - Rutgers University (Rutgers) and the faculty union : Rutgers Council of AAUP Chapters (AAUP, or the Union) resorted to substantial unlawfulness via-a-vis discovery of facts; almost totally evading full and lawful discovery, and resorting to evidence tampering, withholding evidence, submitting falsified and fraudulent information, and commitilng other blatant unlawfulness in several other court proceedings as well; Please See in this regard the following appendices : APPENDIX J-1 gives examples of totally and unlawfully evasive Answers provided

by Rutgers to my interrogatories regarding facts as to Rutgers and the collusive unlawfulness charged in the Complaint; APPENDIX G 2 / therein Rules 33 and 37 shows the Federal Rules Rutgers University violated here alone; APPENDIX J-5 pertains to my motion giving very detailed elaborations of unlawfulness vis-a-vis each one of the 41 of the 42 interrogatories I had posed of Rutgers; APPENDIX J-6 relates to my overview of the practically total and unlawful evasion of discovery of facts by the defendants and my motions to compel discovery; APPENDIX J-7 alerts the court <u>again</u> that U.S. and New Jersey and others still totally ignored subpoenas for production of documents; APPENDIX J-8 details defendant the faculty union's (AAUP's) ongoing fraud vis-a-vis discovery proceedings <u>and</u> other court proceedings; APPENDIX J-9 gives an overview of

the blatant lawlessness relatilng to several Dist Ct proceedilngs - I (the plaintiff) complaining that the court had persistently stonewalled discovery with malice and had sounded the so-called death knell for my complaint; APPEDIX K refers to ongoing unlawfulness vis-a-vis listed defendant U.S., as well as defendants Rutgers University and the Rutgers Council, and also ongoing obstruction of justice engaged in by court clerks and court staff attorneys.

8.8 On November 29,1989 I (Petitioner / plaintiff-appellant) filed an Interlocutory Appeal with the U.S.C.A., citing the Cohen Doctrine crying death-knell for my complaint; but the C.A. denied said interlocutory appeal on grounds of 'lack of finality' of the case.

8.90 On December 13,1989 the assigned Magistrate halted all discovery in the face of my several petitions alerting the

court that discovery of facts had been both incomplete and accompanied by ongoing unlawfulness in both discoveriy proceedilngs as well as in other court proceedings - Please See APPENDIX D.

It is to be noted that the Magistrate calculatlingly called the Order staying discovery "temporary"; the discovery was never resumed, defendants escaped blatant ongoing unlawfulness vis-a-vis numerous court proceedings including discovery of facts.

8.91 The remaining two defendants - Rutgers and the faculty union - then moved to dismiss; I again petitioed for Fed R Civ P Rules 56(d) and 56(f) [APPENDIX G2 shows the enunciation of the Rules] fact-finding continuance - Please See APPENDIX J-9.

8.92 On January 5,1990 I filed with the U.S.Court of Appeals / 3d Cir, a Mandamus Petitioin regarding the profuse

ly documented and meticulously detailed unlawfulnes in the Dis Ct.

8.93 As with my preceding two interlocutory appeals, the U.S.C.A./3d Cir denied the **Mandamus Petition** as well sans investigation or opinion.

8.94 On February 23,1990 the Judge had an entry made in the Docket Sheet reserving judgment on my motins and petitions for full and lawful discovery and on my alerts to the court of massive unlawfulness in court pro ceedings - Please See APPENDIX E.

8.95 The District Judge ("the Judge") then chose to freeze the docket for a whole year in the face of 1my urgent petitions, although Local (Dist Ct) Rules requred him to rule on pendilng motions on the 24 th day of the filing of the motions (said Local Rule is enunciated at APPENDIX G 2).

On February 20,1991 the Judge

dismissed complaints against Rutgers University and the faculty union - the Opinion is at APPENDIX F .

8.96 I, Petitioner/plaintiff-appellant will demonstrate with full annotation and with quotations from Dist Court documenmts hereinunder in the "Reasons for Grantilng the Writ" section, among other things, that in his said opinion as well, the Judge has premeditatedly and prejudicially resorted to numerous falsifications of the Dist Ct record, thus again criminally abusing the Federal System and the judicial canons of ethics and impartiality. I have cited several other reasons as well, in support of this Petition.

REASONS FOR GRANTING THE WRIT :

9.00 The Petitioner, Pro Se ('I', 'me', . .) presents the following seven (7) reasons for granting this Petition for an Extraordinary(Supervisory) Writ.

9.01 FIRST, the extaordinary (supervisory) writ will be an aid to this Court's appellate jurisdiction. The Petitioner has already exhausted all available appellate procedure below via petitioner's (plaintiff-appellant's) Appeal to the U.S.C.A. / 3d Cir which court has let stand, without opinion - APPENDIX A-1 , extraordinary usurpation of power in the U.S.District Court below as also via a denial of an In Banc Rehearing -APPENDIX A 2 . This Supreme Court of the United States, the highest appellate court in the country, thus has appellate jurisdiction.

9.02 SECONDLY, there are present exceptional circumstances warranting the exercise of this Court's discretionery and supervisory pwoers. The exceptional circumstances in the U.S. District Court below include the following : [i] The Dist Judge's repeated, premeditated and prejudicial misrepresentation of the Dist

Ct record; [ii] The Judge's (as the assigned Magistrate's) repeated endorsement of rampant unlawfulness of defense counsel and of defendants vis-a-vis both the Federal Rules of Civil Procedure and established(lawful) court procedure; [iii] The Magistrate's and the Judge's resort to unlawfulness in court proceedings [iv] The Dist Ct's tolerance of obstruction of justice by the executive branch of the United States (whose officials are listed defendants; [v] Extreme usurpation of power by the Dist Judge repeatedly thwarting the interest of justice - unchallenged and unquestioned by the U.S. Appellate Court; [vi] Obstruction of justice by the USCA/3d Cir vis-a-vis proceedings in that court.

The Petitioner has presented portions of court documents - both in the U.S.Dist "Ct and in the U.S.C.A. - in the Appendices to this Petition in support of the

above; with a discussion of and reference to each appendix to this Petition in this text portion of this Petitiion.

Compounding the extraordinary and blatantly unlawful abuse of discretion by the U.S.Dist Judge - showing a persistent disregard for the law and an ongoing endorsment of unlawful activity of defense counsel, defendants, the executive branch of the U.S., and others - is the Judge's persistent proclivity to unabashedly and maliciously distort the District Court record.

> > >

9.03 THIRDLY, adequate relief cannot be had in any other form ; [i] I have (the undersigned, Petitioner/plaintiff has) exhausted the appellate procedure below via an appeal to the USCA / 3d Cir which was denied sans opinion - APPENDIX A 1 - and an In Banc Rehearing, which was also denied - APPENDIX A 2 . Additionally, the above referenced appeal and the subsequent In Banc Rehearing denial were preceded by two interlocutory appeals and a Mandamus Petition to the USCA and a Complaint of Judicial Misconduct against the Dist Judge and a C.A. Judge to the Judicial Council of the Third Circuit. Each of the above was unsuccessful without any investigation or any opinion. Inasmuch as this Petition of necessity takes the form of a complaint, I must point out to this Court (with whom I must be perfectly

candid) that I have observed among the Philadelphia / Camden,New Jersey based Third Judicial Circuit very substantial cohesiveness. A chronology of the above appeals is presented toward the end of APPENDIX M . Thus also, this Supreme Court of the United States alone is in a position to effectually address the very substantial departure in the lower Federal courts from the highest standards of ethics and impartiality which must prevail in the Federal System as in all of our courts.

9.04 FOURTHLY, the C.A. Judgment Order, letting stand sans opinion extreme unlawfulness and usurpation of power by a Dist Judge is reviewable only by this Supreme Court of the United States.

9.05 FIFTHLY, an issue of an Extraordinary (Supervisory) Writ by this Court in this case would be agreeable to the principles and usages of law. And this since

the Dist Ct proceedings are very badly tarnished by repeated, stark, and unlawful deviations from established lawful procedure : what is at stake in this case is proper and lawful adminstration of the Judicial System in our Federal courts. Elaborations follow.

9.06 SIXTHLY, an Extraordinary (Supervisory) Writ is called for in this case -rather than a Certiorari - since the USCA itself has repeatedly exhibited both sans opinion insensitivity to ongoing unlawfulness in the Dist Ct, and improprieties indicative of clear, collusive obstruction of justice. Elaborations follow.

9.07 SEVENTHLY, there is a question whcih the C.A. should have settled but failed to settle : namely the Dist Judge's steadfastly and ongoingly refusing to protect my Constitutional rights from being abused ongoingly and unchecked by a

defendant - the United States - whom the Judge dismissed as a defendant without discovery of facts and who, I (plaintiff) alerted the court, continued and still continues to brutally, maliciously and fraudulently abuse my Constitutional rights. The C.A., by sans opinion letting stand this matter, has thrown this matter also in this Court's lap. In this regard also I have elaborated in the following pages. And this again is a matter this Court alone can address at this stage to ascertain that justice is served.

9.08 To begin with, kindly examine the Dist Judge's final comprehensive ruling at APPENDIX F. Several of the Dist Judge's key and pivotal statments in the said ruling are premeditated and prejudicial falsehoods vis-a-vis the Dist Ct record : to begin with, in the paragraph that begins with "The AAUP and Rutgers

both have filed . . ", the Judge calculatingly misrepresents pivotal court events. The Judge falsely claims that I sought "further discovery". In reality, I had never sought additional discovery as full and lawful discovery of facts was stonewalled by each and every one of the defendants and by the Dist Ct itself in the first place. Please See in this regard the following appendices to this Petition: [i] APPENDIX J-10 shows specifics of my repeated prayers to the Court seeking full and lawful discovery; [ii] In APPENDIX J-7, I alert the court that the U.S. and New Jersey (listed defendants whom the Judge let off the hook early on and without discovery of facts inspite of my prior and then pending motion for production of documents) had also totally evaded discovery of facts and had ongoingly ignored the subpoenas I sent them for production of documents. [iii]

APPENDIX J-9 shows my sounding an alarm that the Dist Ct had unlawfully aborted the discovery process for all defendants, amounting to unlawfully ending the case; [iv] APPENDIX J-5 alerts the court that Rutgers has totally and unlawfully evaded 41 of the 42 interrogatories I posed to them; [V] Blatant unlawfulness carried on with impunity by the faculty union (AAUP) is referenced in first APPENDIX J-8 and then in APPENDIX 10 which also kindly peruse.

9.09 Not only did Rutgers and the AAUP totally and unlawfully evade discovery, they provided falsified and fraudulent information. Rutgers, for example provided provided falsified and fraudulent salary data for the School of Business to the Dist Ct and before that to the EEOC - Please See the first three interrogatories answered by Rutgers at APPENDIX J-1. The Judge, though alerted, actually (and

criminally) covered up for Rutgers : APPENDIX L / therein paragraph 1.3.0.332.

9.10 In the two footnotes in his comprehensive ruling (APPENDIX F) the Judge again resorts to premeditated falsehoods vis-a-vis the Dist Ct record : In the first footnote he deliberately misleads all who read his ruling that I (the plaintiff) had some how noted that I was somehow permitted tomake any desired changes in my deposition transcripts. In reality, my repeated cries that I was denied my right to make changes in my deposition transcripts was an equally pivotal issue; and the judge in said footnote covers up his (and the Magistrate's) wilful, prefudicial and unlawful act in yet another in a series of exercises in defraudation of court record. In fact, I alerted the Magistrate and the Judge repeatedly that the deposition transcripts are worthless and invalid

since I was denied my right to make changes in them - Please See in this regard the following appendices : [i] APDX J-3 wherein the Magistrate denies me my right to make desired changes in the deposition xpts. (Note: The Judge claims the exact opposite in said footnote). This is among several of his and the Magistrate's premeditated unlawful acts the judge is hiding by actual fraud. [ii] In APPPENDICES J 4.1 AND J-6 I complain loud and clear that I am denied my right to make desired changes in the deposition xpts, and that the court lawfully must let me do so or the xpts would be useless. [iii] APDX J4.2 lends further support to my demand for my right to make changes in the deposition xpts.

9.11 Full and lawful discovery vis-a-vis the U.S. and New Jersey was also premeditatedly stonewalled by the Dist Ct : Please See here APDX J-7, APDX J-9,

and APDX L / therein paragraphs 1.011, 1.020, and 1.022.

Please see here ALSO Rutgers' unlawfully evasive answers of interrogatories 11, 12, 16, and 17 at APPENDIX J 1.

9.12 The District Judge's ongoing, premeditated exercises in wilful and prejudicial falsehoods are catalogued at some lenght at APDX L / therein paras 1.03, et seq, all of which information is actually part of the Petitioner/Plaintiff-Appellant's Brief he had submitted to the U.S.C.A./3d Circuit. Both Appendices L and M are excerpts of the plaintiff-appellant's C.A. Brief. As noted earlier, the C.A. let stand the Dist Judge's rulilng sans opinion in both the C.A.'s affirmation and also in the In Banc Rehearing denial as in two earlier interlocutory appeals, a Mandamus Petition, and a **Complaint of Judicial Misconduct** to the Judicial

Council of the **Third Judicial District** (chronology atthe end of APPENDIX M.

9.13 The Dist Judge, with long ties to the Rutgers law school located one block from the Federal Building and right behind it, had, in fact worked with several former Rutgers law school alumni in key positions in the Federal and New Jersey law enforcement apparatus in Camden, NJ; including a Rutgers graduate who, in quick succession, was a law clerk to a Federal judge in Camden, a county prosecutor, the Asst U.S. Atty in Charge and (now) a U.S. Magistrate in the U.S.Dist Ct, Camden vicinity. With others in the Federal Apparatus, collusive unlawfulness was evolved to build fraudulent dossiers on me to both discredit me and to professionally and socially assasinate me and to perpetuate and fraudulently maintain malicious violation of my Constitutional rights. Please See here APPENDIX L /

therein paras 1.053 through 1.056 as also 1.0601, 1.061, and 1.07 et seq. ALSO SEE APPENDIX J 1, therein interrogatories 11, 12, 16, and 17 which were totally and unlawfully evaded by Rutgers, and the matter stonewalled by the Judge.

PLEASE NOTE THAT BOTH APPENDIX L AND APPENDIX M were before the U.S.C.A./3d Cir as part of my C.A. Brief.

9.14 Continuing the examination of the Dist Judge's ruling -APPENDIX F- therein under the heading "A. Statutes of Limitations" is seen yet another glaring and pivotal misrepresentation : The judge time-bars all claims (falsely) claiming that (somehow) all causes of action were outdated. In reality, I had specifically claimed in my Dist Ct complaint (please see APPENDIX H) ,in the latter part of the para that begins "Rutgers University, their Federal Govt. and other collaborators have rendered

plaintiff unable to find a job anywhere in the country, despite initial very strong interest shown by numerous prospective employers around the country . . ". that the cause of action was up until the day of the filing of the complaint. Please See here both APPENDIX H the District Court Complaint, and APPENDIX J 1 / therein Rutgers'unlawful evasion of interrogatoreis 10a, and 10b.

9.15 My having invoked the "pendent jurisdiction" of the Dist Ct, in addition to the Provisions of the U.S. Constitution (Please see the Dist Ct jurisdiction at APDX G 2),the Judge had an additional obligation to ascertaining full and lawful discovery along those lines as well.

9.16 Vis-a-vis listed defendant United States also and again the Judge calculatingly defrauds the court record in regard to full and lawful discovery of

facts as to the FBI, the INS and New Jersey in his ruling /therein para that begins "On March 22, 1989 an order was filed . . .". The judge premeditately defrauds the court record when he contends here again that I had somehow sought additional discovery vis-a-vis the FBI and the INS. In fact,there had been absolutely no discovery vis-a-vis the FBI, and the INS had submitted falsified and fraudulent documentation - Please see APDX J 7 , APDX J 9, and APDX J 10. The Dist Ct had steadfastly stonewalled discovery in regard to the U.S. and New Jersey as well.

9.17 The Judge, in an oral hearing on February 16,1990 actually and flatly stated that he never interferes with what (listed defendant) United States does. Please see - APPENDIX L , therein para 1.3.338. This admission of posture by the U.S. District Judge again and fur-

ther establishes premeditated and calculated usurpation of power.

9.18 What is equally noteworthy is the ongoing and sans opinion endorsement of all of the above by the U.S. Court of Appeals / 3d Cir located one mile and across the bridge in Philadelphia.

9.19 The Judge further falsifies the court record vis-a-vis the AAUP falsely claiming that I had somehow sought "further discovery"- Please see the judge's ruling / para that begins "The AAUP and Rutgers have both filed separate motions . . " In reality, the AAUP had also totally evaded lawful discovery - Please See : APDX J 8 and APDX J 10; and then please peruse APDX L / therein paras 1.3.0.333, 1.3.0.3350, and 1.3.0.3351.

9.20 In regard to Rutgers University's further resort to blatant unlawfulness, I alerted the Judge that apart from

unlawfully evading 41 out of the 42 interrogatories I posed to Rutgers, the University had supplied falsified and fraudulent information to BOTH the Dist Ct and before that to the EEOC - Please See APPENDIX L, therein para 1.3.0.332 , and then APPENDIX J 1 therein the first three interrogatories.

9.30 The Judge, in the second footnote (of two footnotes) in his ruling at APDX F again misleads all reading his ruling and defrauds the court record on the pivotal issue of full and lawful discovery stating that I am (somehow) vague about my assertion about discovery. The exact opposite is true. Please see here the following :

Apdx J 5 gives a very elaborate, interrogatory by interrogatory, analysis of the deficiences in Rutgers' answers to my interrogatories; Apdx J 6 further elaborates on J 5; Apdx J 7

elaborates about U.S. and New Jersey's unlawful and total evasion of discovery; Apdx J 8 & Apdx J 10 both elaborate about AAUP's evasion and fraud in discovery and in other court proceedings; Apdx J 9 cautions the court about its mischief.

9.40 AS TO THE ONGOING, UNCHECKED (AND STILL ONGOING) UNLAWFULNESS OF THE U.S. :

I had alerted the Judge at the outset that among other, my Constitutional rights were maliciously and fraudulently abused by the U.S. and that the Rutgers-Union-Govt. complex was ongoingly involved : Please See APPENDIX H (the Dist Ct Complaint) therein the para that begins "When plaintiff tried to reason with the University. . .". The Judge then, in the face of my pending motion for production of documents from all listed defendants, dismissed New Jersey and U.S.. Please see in this regard the

following APDX I ; APDX B; APDX C; APDX J 1 /therein ints 11, 12, 16, and 17; APDX J 7; and then APDX L / paras 1.08, 1.102, 1.1021 .

9.50 THERE IS A CENTRAL PURPOSE to the Dist Judge's massive exercise in deception-by-design AND in the U.S.C.A./3d Circuit's ongoing endorsment of such : to protect the miscreants in the Rutgers -Business-Government complex from criminal prosecution, to keep any investigation of the matter at bay, and of course to rail-road the maliciously brutalized and professionally and socially assasinated plaintiff. Along with the numerous fundamental tenets of the interest of justice, the Judge has also brutally and maliciously violated Fed Rules of Civ Proc, Rule 1 : (enunciation of all Rules involved at APDX G 2.)

9.60 AS TO THE U.S.C.A./3d CIRCUIT'S STUDIED INSENSITIVITY, it should

FIRST be noted that [i] the C.A. had the entire Dist Ct record as an appendix to my C.A. brief since I was a Pro Se 'Proceeding on the original record' and thus knew first hand and fully of the Organized Unlawfulness in the District Court proceedings; SECONDLY, the C.A. again looked the other way by virtue of their in toto and sans opinion endorsement of the Judge's ruling discussed supra; and THIRDLY, the C.A. had already begun looking the other way due to my interlocutory appeals, Mandamus Petition, and the Complaint of Judicial Misconduct. 9.61 Not only was the Third Circuit looking the other way, it had actively fostered ongoing obstruction of justice : Please See in this regard APPENDIX K .

In essence, the C.A. has ongoingly failed to protect the Federal System from the Dist Judge's agrressive deception of the System, and has further

failed to check the Judge's ongoingly flaunting the principle of comity by which District Court decisions in this great nation have historically been honored. Both the C.A. and the Dist Judge (and Magistrate) have here seriously tarnished judicial canons of rigorous and impartial justice MANDATED BY FED R CIV P, RULE 1 (Please See enunciation at APPENDIX G 2) thus also there is justification for granting the Extraordinary Writ.

10.0 C O N C L U S I O N :

It is respectfully prayed that the Court, for any or all of the reasons cited, grant the Petition for an Extraordinary (Supervisory) Writ .

10.1 Case precedents where this Court granted such an Extraordinary (Supervisory) Writ are as follows :

[i] Will v. U.S. 389 US 90, 95 100n 19 L Ed 2d 305 88 SCt 269 1967

as also

[ii] Will v. Calvert Fire Ins Co

437 US 655, 665-6 n, 1978

In the above case precedents, the Dist Judge showed a persistent disregard for both Rules and Statutes and for the unlawful activity of the defendants, and this Court granted an Extraordinary Writ;

Such was also the case in

[iii] De Beers Consolidated Mines v. U.S.

325 US 212 1945(1949?)

[iv] Hanna v. Plumer

380 US 460 463 85 SCt 1136 14 L Ed 2d 8 (1965)

where the District Court had presented a threat to the goal of uniformity of Federal procedure and the Court of Ap-

peals had failed to check the unlawfulness.

Similarly, in

[v] McNabb v. U.S.

318 US 332 63 SCt 608 87 L Ed 819 1943

this Court granted an Extraordinary (Supervisory) Writ conforming to this Court's role of judicial supervision of the administration of justice in the interest of maintaining established standards of procedure and of evidence.

Such was also the case in

[vi] La Buy v. Howes Leather Co.

352 US 249 259-60 1 L Ed 2d 290 77 SCt 309 1957 Rehg Den 352 US 1019 1 L Ed 2d 560, 77 SCt 553

and in

[vii] Schlagenhauf v. Holder

379 US 104 111 1964

this Supreme Court had to step in when the Dist Ct repeatedly strayed far

lawful judicial procedure, and the C.A. affirmed such

10.2 By way of remedy, the Petitioner prays for all appropriate remedy that would make the Petitioner whole again and reflect appropriate punishment for the wrongdoers; the remedy keeping in mind that the District Court at Camden, N J vicinity, as profusely elaborated above, would likely not be conducive to proper and lawful administration of justice vis-a-vis this Petitioner.

Nor is the U.S.C.A./3d Cir likely to suddenly change and be sensitive vis-a-vis the matter at hand in view of the ongoing insensitivity, and in view of the circuit's own unprecedented and active obstruction of justice elaborated at length above.

Ideally, an appropriate Order from this Court making for justice without further merry-go-rounds to make the

plaintiff-petitioner whole again, and reflecting punishment for the wrongdoers, is prayed for.

- - - - - - - - - - - - - -

Respectfully submitted,

J. B. Bright, Ph. D.

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- Date Timely Filed : July 14, 1992
- Date Refiled with format-corrections : August 7, 1992

T H E A P P E N D I C E S :

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APPENDIX A.0 :

Chronology in the U.S.Court of Appeals / 3d Circuit :

[i] The U. S. Court of Appeals for the Third Circuit affirmed by Judgment Order, all the Orders of the U.S.District Court, Camden, New Jersey, SANS AN OPINION, on March 16,1992 (reproduced below);

[ii] The Appellate court denied a Re-

hearing Petition by plaintiff-appellant / petitioner, SANS AN OPINION, on April 15,1992.(reproduced below)

APPENDIX A1 : Judgment Order, U.S.C.A./3d Cir, March 16,1992

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

NO. 91 - 5353

Jay B. Bright

Appellant

v.

Rutgers, the State University of New Jersey;

Rutgers Council of AAUP Chapters;

Federal Bureau of Investigation

U.S. Dept. of Justice

Immigration and Naturalization Service

U.S. Dept. of Justice

New Jersey Division of State Police

Appeal from the United States District Court

for the District of New Jersey

(D.C. Civil No. 88-04115)

District Judge : Stanley S. Brotman

Submitted under Third Circuit Rule 12(6)

March 6, 1992

Before : STAPLETON, MANSMANN, Circuit Judges

and POLLAK, District judge

JUDGMENT ORDER

After consideration of all contentions reaised by the appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed.

Costs taxed against the appellant.

*Honorable Louis H. Pollak of the United States District Court for the Eastern District of Pennsylvania, sitting by

designation.

BY THE COURT,

sd/

Carol Los Mannsmann

Circuit Judge

Attest :

sd/

Sally Mrvos, Clerk

March 16,1992

A P P E N D I X A 2 :

Rehearing denial, U.S.C.A./3d Cir,

April 15,1992

UNITED STATES COURT OF APPEALS

FOR HE THIRD CIRCUIT

No. 91-5353

Jay B. Bright

Appellant

v.

Rutgers, the State University of

New Jersey; et al.

SUR PETITION FOR REHEARING

Present : SLOVITER, Chief Judge,

BECKER, COWEN, NYGAARD AND ROTH, Circuit Judges, and POLLAK, District Judge *

The petition for rehearing filed by appellant in the above entitled case having been submitted to the judges who participated in the dicision of this court and to all other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing , and a majority of the circuit judges of the circuit in regular active servcice not having voted for rehearing by the court in banc, the petition for rehearing is denied.

BY THE COURT,

Dated : April 15,1992 sd/ Carol Los Mansmann

* Disdtrict Judge Pollak voted only as to panel rehearing.

A P P E N D I X A 3 :

DISTRICT COURT JURISDICTION :

(i) The Fourth Amemdment to the U.S.Constitution;

(ii) The Fifth Amemdment to the U.S.Constitution;

(iii) The Fourteenth Amemdment to the U.S.Constitution;

(iv) Title VII of the Civil Rights Act of 1964, as amended;

(v) 42 USC 1981;

(vi) 42 USC 1983;

(vii) 42 USC 1985(2);

(viii) 42 USC 1986;

(ix) 42 USC 1988;

(x) 42 USC 2000(e);

(xi) 42 USC 2000(e)-2(a)(1);

(xii) 42 USC 2000(e)-2(a)(2);

(xiii) 42 USC 2000(e)-3(a);

(xiv) 42 USC 2000(e)-5(f)(3);

(xv) 42 USC 2000(e)-6(a);

(xvi) 42 USC2000(e)-6(b);

(xvii) 28 USC 1343;

(xviii) 28 USC 2201;

(xix) 28 USC 2202;

(xx) The Pendent Jurisdn of the Dist Ct

A P P E N D I X B :

Opinion of the U.S.District Judge, entered March 22,1989 (portion pertaining to the Dist Judge's granting New Jersey Division of State Police's cross-motion to dismiss plaintiff's Complaint against them) :

BROTMAN, Disdtrict Judge.

Plaintiff has filed suit against Rutgers, the State Uiversity of New Jersey ("Rutgers"), the New Jersey Division of State Police ("Division of STate Police"), and other defendants charging discrimination and other unlawful conduct arising out of his emplyment as an assistnat professor andlater lecturer at Rutgers. Presntly before the court are plaintiff's motions (1) to amend the docket sheet

for this case; (2) for me to recuse myself from this case; (3) for this court to request the Attorney General of the United States to appoint a special prosecutor in this case; and (4) to order defendant Rutgers to appoint plaintiff to the position of "Court Ordered Provisional Professor". Also before the court is defendant Division of State Police's cross-motion to dismiss. For the reasons set forth below, the court will deny plaintiff's motions and will grant the motion of the Divisioin of State Police.

. . . .Finally, defendant Divison of State Police has moved to dismiss plaintiff's complaint on the grounds that the eleventh amendmant, U.S.Const. Amend. XI, bars this lawsuit. The eleventh amendment prevents any suit by a citizen of a state against any state in federal court. Hans b. Louisiana, 134 U.S. 311 (1890); see Edelman v. Jordan, 415 U.S. 651, 663

(1974). The eleventh amendment bar does not apply where a plaintiff seeks prospective injunctive relief against a particular state official rather than against the state itself. Ex Parte Young, 209U.S. 123 (1908); Edelman, 415 U.S. at 663-68. Plaintiff's lawsuit against the Division of State Police is in essence a lawsuit against the State of new Jersey. See Urbano v. Board of managers of New Jersey State Prison, 415 F2d 247, 250-52)3d Cir. 1969), cert. denied, 397 U.S. 948 (1970). Because this action does not fit into any exception to the eleventh amendment bar, the court must dismiss the complaint against the Division of State Police.

An appopriate order will be entered.

(signed) Stanley S. Brotman

United States District Judge.

Dated : March 14,1989

A P P E N D I X C :

Opinion of the U.S.District Judge,

entered April 4,1989, dismissing complaint against Federal Bureau of Investigation [FBI] and Immigration and Naturalization Service [INS] :

BROTMAN, District Judge.

Plaintiff has filed suit against Rutgers, the State University of New Jersey ("Rutgers"), the Federal Bureau of Investigation ("FBI"), the Immirgation and Naturalization Service ("INS"), and other defendants charging discrimination and other unlawful conduct arising out of his employment as an assistant professor and later lecturer at Rutgers. Presently before the court is the motion of the United States of America to dismiss plaintiff's complaint against the FBI and the INS for lack of subject matter jurisdiction, or in the alternative, for failure to state a claim. Plaintiff has filed no opposition to the motion.

The FBI and INS are agencies of the

Justice Department, an executive department of the United States. Any judgment against these defendants would be satisfied by the United States Treasury. The United States is therefore the real party in interest in this lawsuit. see 14 C. Wright, A. Miller & E. Cooper, Federal Practice and Procedure S 3655 (1985). Consequently, the doctirne of sovereign immunity bars any suit against those agencies unless Congress has specifically consented to waive that immunity. see United States v. Sherwood, 312 u.s. 584 (1941); see also 14 C. Wright, supra, S 3654, at 189-90. Plaintiff has failed to plead any relevant Congressional waiver of sovereign immunity, and the court's own research has found no such waiver. The court therefore lacks subject matter jrisdiction over the claims against the FBI and INS. The court will grant the motion of the United States and will

dismiss plaintiff's complaint against the FBI and INS for lack of subject matter jurisdiction.

An appropriate order will be entered.

(signed)

Stanley S. Brotman

United States District Judge

DATED : March 31,1989

A P P E N D I X D :

Magistrate's Order / DSI 149 / 12-23-1989, halting discovery of facts in the face of plt'f's several alerts that discovery until then was characterized by blatant unlawfulness: [Ref : DSI 149, page 1; 12-23-1989] :

"Please be advised that the discovery motion filed by pro se plaintiff Dr. Jay Bright, and the cross-motion filed by defendant AAUP eturnable December 15,1989 shall be STAYED pending determination of plaintiff's recent appeal to the Third Circuit court of Appeals, the notice of

appeal having been filed with Clerk of this court on Novembver 29, 1989. The filing of a notice of appeal results in a stay of proceedings until such time as the matter is returned to the District Court from the Court of Appeals. Plaintiff's discovery motion, along with the August 25, 1989 motion to compel compliance with subpoenas served upon various governmental agencies and defendant AAUP's cross-motion, shall be made returnable for motion day after notice of resolution of the pending appeal is received by the court."

A P P E N D I X E :

Dist Judge's <u>minutes</u> [in lieu of an opinion or order] entered on the Docket Sheet as D S I # 165 on 2-23-1990, and reading : " Minutes of 2/16/90, filed 2/16/90, see #'s 140, 141, 148, 156, 158 decision reserved. Hearing on pltf's appeal of Mag.'s order staying

discovery, decision reserved; and pltif's application for appointment of counsel denied. [Brotman]"

> > > >

APPENDIX F : Opinion of the U.S.District Judge, entered February 20,1991, (granting summary judgment motions of defendants Rutgers University and Rutgers Council of AAUP Chapters) :

"BROTMAN, District Judge,

Presently before the court are the motions for summary judgmnent by defendants, Rutgers, the State University, and Rutgers Council of AAUP Chapters. Plaintiff's complaint alleges discrimination and violations of his civil rights while employed as an Assistant Professor of Finance at Rutgers University. Plaintiff seeks monetary damages, as well as reinstatement by Rutgers as a Full Professor and as Director of the Graduate Business Program. For the reasons stated below, the court hereby grants the motions for summary judgment of defendants Rutgers, the State University and Rutgers

Council of AAUP Champters.

I. FACTS AND PROCEDURE - On September 21, 1988, plaintiff filed a complaint naming as defendants, Rutgers, the State University ("Rutgers"); Rutgers Council of AAUP Chapters, the facdulty union at Rutgers ("AAUP"); the Federal Bureau of Investigation; the New Jersey Division of State Police, and the Immigration and Naturalization Service. Although not entirely clear on its face, the complaint appears to allege violations of plaintiff's civil rights under 42 USC S 1981 (equal rights under the law); S 1983 (civil action for deprivation of rights); S 1985(2) (conspiracy to interfere with civil rights; S 1986 (action for neglect to prevent violation of civil rights); S 2000e-2(a) (unlawful employment proactices) and S 2000e-3(a) (other employment practices).

Jay Bright is a naturalized citizen of the United States and of Indian origin. After earning his Ph.D. degree from the University of Houston in Texas in 1969, he spent several years working as a professor, in both the United States and India.

The specific allegations set forth by Bright concern the period from July 1,1984 to June 30,1988, during which plaintiff was employed by Rutgers as an Assistant professor of Finance at the Camden campus. In the Complaint, it is not clear what type of discrimination plaintiff alleges. Plaintiff's discrimination claim is based on his view that at his time of hire in 1984, (1) his academic rank of Assitant Professor was an inappropriate "entry level" position; (2) his starting salary of $30,140 per year was $8,000 - $10,000 below any others in his department and (3) his office assignment was on a sepa-

rate floor from the offices of all the Ph.D.'s in his department. Plaintiff further alleges that the University administration subjected him to a "systematic conspiracy and campaign to malign, defame and discredit him" and a conspiracy to abridge his civil rights.

Plaintiff also alleges that the AAUP knowingly presented his discrimination claims to the administration late, resulting in the claims being rejected as untimely filed. He also claims that the matter was put before an unqualified arbitrator, the New Jersey Board of Mediation, as it allegedly hears complaints against "private" employers and therefore should not have heard a complalint agaisnt Rutgers, a state institution. Moreover, plaintff claims that Rutgers colluded with the AAUP, the Federal Bureau of Investigation ("FBI"), the Immigraiton and Naturalization Service ("INS"), the

U.S. Department of Education, other state and federal agencies and community organizations, to interfere with his civil rights.

As a result of these alleged activities, Bright claims his career and community standing have suffered irreparable harm; that he has been defamed, maligned, ostracized and humiliated, and that he has been blocked from suitable employment. He also claims pain and suffering. As relief, plaintff seeks to be reinstated by Rutgers University as a Full Professor and as Director of the Graduate Business Program, as well as compensation for damages.

On March 22, 1989, an order was filed dismissing plaintiff's complaint against the New Jersey Dividison of State Police. On April 5,1989, the complaint against the FBI and the INS were dismissed for lack of subject matter jurisdiction.

Thereafter, plaintiff filed various motions with the court seeking additional discovery, which were temporarily stayed in an order dated December 13,1989.

The AAUP and Rutgers have both filed separate motions for summary judgment. Plaintiff responded in opposition to the AAUP's motion for summary fudgment by arguing that it was untimely filed.[1]

He has also requested a continuacne pursuant to Fed. R. Civ. P. 56(f), to obtalin further discovery[2].

However, based on the facts presented inthis case, the court finds plaintiff's position to be without merit.

1In opposition to the AAUP motion, plaintiff refers to an order dated October 20,1989 which set the deadline for defendant to file summary judgment, "fourteen(14) days after the date on whcih plaintiff's deposition transcripts are either corrected and certified by plaintiff or deemed final by operation of the rules of procedure and orders of this court." Plaintiff then notes that an order dated September 21,1989 instructed plaintff to review, sign or make desired changes in the deposition transcripts within a certain period of days, otherwise

they would be deemed usable as though fully signed. Plaintiff petitioned and was granted stay of this order pending appeal on october 13,1989. This order stated that if affirmed on appeal, plaintiff wuld have ten(10) days from the date of affirmance in which to review the transcripts. In an order filed october 30,1989, the order was affirmed. On December 1,1989 the defendant filed its motion for summary judgment, which according to plaintiff's timetable, whould have filed November 23,1989. Plaintiff, however,has failed to show any prejudice due to this short delay, and in light of the fact that plaintiff caused the delay by his own persistent refusal to review the transcripts, this court hereby grants the defendant, AAUP, leave to file its summary judgment motion late.

2 Plaintiff relies on vague assertions regarding the nature of the facts to be discovered in his requests. Defendants have already responded to and substantially complied with, plaintiff's request for answers to interrogatories and productin of documents. Despite all of the information with which he has been presented, plaintiff fails to state what any further discovery might disclose, or what facts he is seeking, or how they would overcome defendants motions for summary judgment. Plaintiff relies only on broad conclusory allegations, and for this reason, the court must deny plaintiff's outstanidng discovery motions and application for continuance.

II. DISCUSSION :

The standard for granting summary judgment is a stringent one. Fed.

R. Civ. P. 56(c) provides that summary judgment may be granted only when the materials of record "show that there is no genuine issue as to any material fact and that the moving party is entitled to judment as a matter of law." Hersh v. Allen Products Co., Inc. 789 F.2d 230, 232 (3d Cir 1986); Lang v. New York Life Insurance co., 721 F2d 118 (3d Cir. 1983). The threshhold inquiry is whether there are "any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party." Anderson v. Liberty Lobby, inc. 477 U.S. 242, 250 (1986).

Once the moving party has carried its burden of establishing the absence of a genuine issue of material fact, "its opponent must do more thatn simply show that there is some metaphysical doubt as to the material facts." Matsushita Elec.

Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Thus, if the movant's evidence is merely "colorable" or is "not significantly probative," the court may grant summary judgment. Anderson, 477 U.S. at 249-50. Moreover, the Supreme Court has held that:

[T]he plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which the party will bear the burden of proof at trial. In such a situation, there can be "no genuine issue as to any material fact,"since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial. Celotex Corp. v. Catrett, 477 U.S. 317, 322-323 (1946).

A. Statute of Limitations

Based on the facts presented in this case, both Rutgers and the AAUP argue thnat summary juedgment must be granted due to the expiration of the applicable statute of limitations under SS 1981, 1983, 1985, 1986, 1988 and Title VII claims.For claims brought pursuant to 42 U.S.C. S 1988, the federal courts must refer to state statutes of limitations when federal law provides no rule of decision in cases under SS 1981,1985, and 1986. Board of Regents v. Tomaino, 446 U.S. 478, 484 (1980); Robertson v. Wegmann, 436 U.S. 584, 590)1978). In S 1983 actions, the Supreme Court has held that the applicable limitations period is the same as the limitations period for a personal injury claim in the state where the alleged wrong occured. Owens v. Okure, 488 U.S. 235 (1989); Goodman v. Lukens Steel, 482 U.S. 656 (1987); Wilson v.

Garcia, 471 U.S. 261(1985). In New Jersey, the two year personal injury statute of limitations provided in N.J.S.A. 2A:15-2 has held applicable to SS 1981, 1983 and 1985 actions. Cito v. Bridgewater Township Police Department. 892 F.2d 23 (3d Cir. 1989). With respect to claims under S 1986, the statute itself provides that "no action under provision of this section shall be sustained which is not commenced within one year after the cause of action has accrued."

1. Claims Against Rutgers, The State University :

In assessing the timeliness of plaintiff's claims, it is important to determine when the limitations perios began to run. The basis of plaintiff's complaint against Rutgers involving his assigned rank, salary and office assignment occured in July,1 1984 when Bright was hired. Moreover, at his deposition, plaintiff

expressly stated he believed even at the time he was hired that Rutgers was discriminating against him. Bright testified that he accepted the position believing that he could convince others at the University to remedy the discrimination. Based on plaintiff's own admissions, this court finds that the cause of action accrued, and the limitations period began to run in July, 1984 when he was assigned his position, rank, salary and had received his office assignment. More importantly, by July, 1984, plaintiff had formed the belief in his mind that he was being discriminated against. As the statute of limitations for actions brought pursuant to SS 1981, 1983, and 1985 is two years, and the statute of limitation for actions under S 1986 is one year, and this action was not initiated until September, 1988, plaintiff's claims under these statutes are barred by the applicable

statute of limitations.

Plaintiff also alleges violations of Title VII in his complaint. Specifically, he refers to 42 USC SS 2000e-2(a) and 2000e-3(a). Under these sections, the filing of a timely charge of discrimination with the Equal Emplyment Opportunity Commission ("EEOC") is required before an action may be maintained. Alexander v. Gardner-Denver Co., 415 U.S. 36, 47 (1974); McDonnell Douglas v. Green, 411 U.S. 792, 798 (1973).

The time in which a party must file a charge of discrimination with the EEOC is set forth in S 2000e-5(e), which states that "[a) charge under this section shall be filed within one hundred eighty days after the alleged unlawful employment practice occurred..." With respect to plaintiff's claims based on his academic rank, salary and office asignment, plaintiff has failed to meet this requrement.

Plaintiff's first charge of discrimination was filed with the EEOC on Noverber 17,1985. As discussed above, Bright's own deposition testimony establishes that he believed he was being discriminated against by the University when he was hired in Jyly, 1984, and all of the alleged discriminatory conduct was complete at the time he received his assigned rank, salary and office assignm,ent. Therefore, the actions complained of occurred well before the 180-days preceding the filing of discrimination on November 17,1985. This court finds that plaintiff's claims based on Title VII are also time barred.

2. Claims Against Rutgers Council of AAUP Chapters

As examined, the applicable statute of limitations is two years for plaintiff's claims based on SS 1981, 1983 and 1985 and one year for his S 1986 claims. In his complaint, Bright alleges that the AAUP

was negligent in presenting his employment grievances in an untimely manner to the administration.

Plaintiff initially contacted the AAUP with his problems early in 1985, although he never characterized them as "discrimination" until october, 1985. In May and June of 1986, plaintiff advised the AAUP that its actions in failing to represent him with respect to his salary and rank claims had harmed him. In June, 1986, after his grievance had been deemed untimely by the University, he threatened to sue the AAUP for its actions and demanded damages. The Complaint in this action was not filed until September 21,1988, more than two years after plaintiff had explicitly accused the AAUP of the very misconduct charged in the Complaint.

Under Title VII, plaintiif is required to file a charge with the EEOC before proceeding with an action. In this case,

Bright never filed an EEOC charge aginst the AAUP. Normally, the failure to file an EEOC claim against a party would bar plaintiff's claim, however, in his deposition, plainitiff stated that he did not file a charge against the AAUP because he believed that the University administration and the union worked "in tandem" and the union had no separate existence without the University. Even assuming that the University and the AAUP did work in tandem, and that the court could treat plaitiff's claim against Rutgers as a claim agailnst the AAUP, as discussed above, plaintiff filed his EEOC charges agsinst Rutgers after the statute of limitations expired. Hence, plaintiff's Title VII claims against the AAUP are time barred.

As all of plaintiff's claims are time barred, the court does not need to address defendant's other arguments for summary

judgment.

III. CONCLUSION

For the above stated reasons, the court hereby grants the motions for summary judgment in favor of defendants, Rutgers, the State University and Rutgers Council of AAUP Chapters.

An appropriate order wil be entered.

(Signed) Stanley S. Brotman

United States District Judge

Dated : February 15,1991

Appendix G1 :

Provisoions of the U.S. Constitution :

The Fourth Amendment to the U.S.Constitution :

The right of the-people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to

be searched, and the persons or things to be seized.

The Fifth Amemdment to the U.S.Constitution :

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time or War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

The Fourteenth Amendment to the U.S. Constitution / Section 1 :

All persons born or naturalized in the

United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, libetry or property, without due process of law, nor deny to any person whthin its jurisdictin the equal protection of the laws.

APPENDIX G 2 :

Provisions of the Statutes involved :

FEDERAL RULES OF CIVIL PROCEDURE,

FED RULE OF CIV PROC,

RULE 1 :

"These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in

Rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action." [Emphasis added].

R CIV PROC, RULE 12 [a] :

"Defenses and objections when and how presented - By pleading or motions - Motion for judgment on the Pleadings

(a) When Presented.

A defendant shall serve an answer within 20 days after the service of the summons and complaint upon that defendant, except when service is made under Rule 4(e) and a different time is prescribed in the order of court under the statute of the United States or in the statute or rule of court of the state...

FED R CIV PROC, RULE 33 :

"Interrogatories of parties

(a) Availablility; procedures for use .....Each interrogatory shall be answered separately and ful' in writing

under oath, unless it is objected to in which event the reasons for objection shall be stated in lieu of the answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. . . .

[emphasis added].

FED R CIV PROC, RULE 37 (a)(3) :

Evasive or Incomplete Answer.

For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

R CIV PROC, RULE 45 (b)

Subpoena. For Production of Documentary Evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the

subpoena if it is unreasonable and oppressive or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

FED R CIV PROC,

RULE 56 :

Summary Judgment.

(d) Case not fully adjudicated on Motion. If on motion under this rule judgment is not rendered upon- the whole case or for all the relief asked and a trial is necessary, the court at the hearing of motion, by examininig the pleadings and the evidence bvefore it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what matierial facts are actually and in good faith controverted. (emphasis added).

(f) When affidavits are unavailable. Should it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovcery to be had or may make such other order as is just.

RULE OF THE U.S.DIST.CT FOR THE DIST OF NEW JERSEY, RULE 12 (C) :

Motion Practice - Generally

"...No application will be heard unless an original and one copy of the moving papers and a brief prepared in accordance with General Rule 27 B or a statement that no brief is necessary and the reasons therefor, and proof or acknowledgment of service of the brief or statement and the moving papers on oppos-

ing counsel are received at the Clerk's office at the place of allocation of the case at least 24 days prior to the date noticed for argument. The brief shall not be attached to the moving papers, and shall note the date for argument on the cover page.

No argument in opposition to the application will be heard unless an original and one copy of an answering brief, specifying the date for argument on the cover page, or a statement
that no brief is necessary and the reasons therefor, with proof or acknoledgment of service thereof on opposing counsel, must be delivered to the Clerk's office at the place of allocation of the case at least 7 days prior to the date originally noticed for argument.

A P P E N D I X H :

Portions of the DIST CT COMPLAINT, which is Dist Ct Docket Sheet Item # 1 :

(Plaintiff filed his Complaint in the U.S. District Court for the District of New Jersey, on September 21,1988. The District Ct Complaint has forty-four (44) different Exhibits attached to it: portions of the Complaint appear immediately below)

"Summary of Complaint and Factual Background : Plaintiff was an employee of Rutgers University from July 1, 1984 to June 30,1988 employed as an Assistant Professor of Finance in the Faculty of Business Studies at the Camden campus.

Plaintiff earned his Ph.D. degree from the School of Business Administration of the University of Houston, Houston, Texas, in 1969, and worked as a professor

between 1969 and 1984 rising from an Assistant Professor in 1969 to a Full Professor and Director of a Graduate program in Business Management (Exhibit 1).

In July, 1984, Rutgers University employed him at the entry level position, an Assistant Professorship, and offered him a salary of $30,140 per academic year (Exhibit 2) which was about $10,000 below any other Ph.D. in his department (the employer has refused to supply facts needed (Exhibits 3 and 4); assigned plaintiff an office with a group of non-Ph.D.'s in the department and away and on a separate floor from the main floor of the department where all the Ph.D.'s in the dept. were housed - and this despite the fact that several non-minority non-Ph.D.'s in the dept. were housed with the Ph.D.'s (Exh 5).

When plaintiff tried to reason with

the University administration, he met with hostility, which escalated into harassment and later brutality and a systematic conspiracy and campaign to malign, defame and discredit him and a conspiracy to abridge his civil rights (Exhibits 6,7, and 8). The university administration ignored plaintiff's pleas for a compus-wide committee of non-partisan professors. The plaintiff took his grievance before the faculty union who (knowingly) presented his matter to the administration (late) and the latter rejected it as untimely filed (Exh 9). Fearing state-wide implications, the university intensified concerted effors involving numerous parties on and off campus to malign, defame and discredit plaintiff and, he is led to believe, "Federalized" the matter with defendants' and others' influence to the plaintiff's detriment. The union had filed the

grievance late although it had been alerted by plaintiff at an early stage initially verbally and later in writing (Exh 7). Surely, the union knew the rules and procedures well - it has worked hand in hand with the same university administration for nearly twelve years. Subsequently, the union and the university knowingly put the matter before an unqualified arbitrator - one in the New Jersey State Board of Mediation. Both the university and the union knew that the said Board hears complaints against "private" employers (Exh 10), and that the New Jersey Board should not hear complaints against a New Jersey institution (Rutgers), The New Jersey State Board of Mediation is equally at fault as this and other information (presented later in this complaint) leads plaintiff to believe. Furthermore, the plaintiff is led to believe that the university and

the union - with the New Jersey Mediation Board's complicity - have engaged in such practices in the case of other Rutgers professors. These and a number of other concerned individuals on and off campus indicated to the plaintiff that they will testify in his behalf. Fraud, collusion and conspiracy between the university and the union to interfere with plaintiff's civil righs went much further : at no time has plaintiff met or seen or heard from the arbritrator, nor despite written request did the union clear with the plaintiff its brief to arbritator, nor have there been any hearings held by the arbritrator where plaintiff could give testimony or could have professors, students and others testify at the hearings, nor has plaintiff ever been supplied with any rulings issued by the arbritrator , nor has the arbitrator himself sent the plaintiff

anything despite repeated written requests, while the parties carried on their deceit, fraud and criminality (Exhs 11,12,13 14, and 15).

On November 11,1985, plaintiff filed a charge against the employer with the Equal Employment Opportunity Commission (EEOC) at its field office in Philadelphia, Pennsylvania and four subsequent charges on may 8,1986, January 30,1987, March 18,1987 and July 22,1987; and kept the EEOC informed of employer's blatant, brutal and massive retaliation against plaintiff (Exhibits 16a through 16f, and others). The EEOC gave increasing indications of repeatedly ignoring documented evidence of employesr's unlawful discrimination and retaliation against the plainitff, while the employer stepped up their unlawfulness (Exhs 17a to 26, and others). There were strong and repeated indications of

EEOC personnel being coerced and indimidated by other agencies of the United States Government. Plaintiff is led to believe that among others, U.S.Dept. of Justice's Federal Bureau of Investigation, Immigrationm and Naturalization Service; and apart from them the U.S.Dept. Education are involved. . .

Rutgers University, in collusion and conspiracy with parties on and off compus, built fraudulent and fraudulently contrived dossiers on plaintiff, and latter are denied plaintiff. Todate, Rutgers has denied plaintiff copies of his "complete and so certfied" files (Exhs 25a to 25d, and others).

Rutgers University and their Federal Government and other collaborators have rendered plaintiff unable to find a job anywhere in the country, despite initial very strong interest shown by numerous prospective employers across the country.

In such activity Rutgers colluded with national educational organizations as well as with Federal agencies who actively worked to plaintiff's detriment.

> > > >

A P P E N D I X I :

Plaintiff's motion at Dist Ct Docket Sheet Item [D S I] # 16 entered 12-23-1988 initiating Discovery proceedings . In this document, Motion # 3 / therein p.1, reads as follows :

"Motion No. 3" - "The plaintiff further moves this honorable court to order each one of the defendants in this case to urgently mail to the plaintiff any and all file or files they may have on or relating to the plaintiff, certifying these as complete; as without these files the process of Discovery so essential to this (as any) law suit cannot even be meaningfully begun. NOTE: please see in this regard, as a case in point, paragraph 9 on page 3 of the Complaint. Furthermore, plaintiff is led to believe that like Rutgers University, other defendants built fraudulent dossiers on the plaintiff.

Furthermore, the plaintiff is concerned that nay "normal" reauest for complete and so certified files to the five defendants will likely inordinately delay and irrepa-rable and profoundly damage and injur full, proper and timely Discovery - and justice - in this case."

(PLAINTIFF'S CONTEXTUAL NOTE : Above motion of plaintiff, for production of documents, was completely ignored by both New Jersey and United States. These two immediately cross-moved to dismiss, pltf opposed the cross-motions, but the Dist Judge went ahead and dismissed complaints against New Jersey and the United States. The remaining defendants, Rutgers and the faculty union, evaded the bulk of the discovery, resorted to ongoing, repeated and blatant fraud in discovery; plaintiff repeatedly alerted both the District and the Appellate courts; the University and the paras: : organization - the faculty

union - moved to dismiss, and the District Judge obliged. The U.S. Court of Appeals, in the face of plaintiff's profuse and meticulous elaboration of said unlawfulness, endorsed the Dist Ct proceedings both [i] in toto and [ii] sans opinion.)

A P P E N D I X J : PORTIONS OF OTHER DISTRICT COURT DOCUMENTS :

A P P E N D I X J-1 :

Examples of Pltf's Interrogatories and Answers provided by Rutgers University : (These were made part of the Dist Ct record by me at Docket Sheet Item (D.S.I.) # 107 / its page 1.) :

PLEASE NOTE :

- Rutgers totally evaded answers to 41 of the 42 interrogatories posed, violating Federal Rules of Civil Procedure #s 33 and 37(a)(3) which are enunciated at APPENDIX G 2 .

- - - - - - - - - - - -

Int.1 : Set forth in a table form, for all full time teaching personnel in Rutgers University's Camden Campus academic unit once called Faculty of Business Studies (FBS), as on July 1, 1984 when plaintiff joined the university on his first yearly contract, the following information - Names of faculty members, highest academic degrees earned, academic ranks, academic year salaries, year in which highest academic degree was earned, and administrative position titles(where applicable) - Please attach on a separate sheet information in a tabular form as required)

Rutgers' Answer : See attached chart. Rutgers objects to disclosing the names of faculty members in this context and asserts that such information is irrelevant.

(Plaintiff's Contextual Note Here :

Attached was a table, with its caption illegible, data without names in an ex-

tremely tiny (micron) type-size, and forwarded with other answers, the entire set forwarded with a University oficial's signature not under oath, and bearing a fictitious and impossible date of September 5,1988 as the interrogatories were submitted in August of 1989 the Complaint itself having been filed on Sept. 21,1988. Furthermore, the plaintiff repeatedly alerted the Dist Ct that the data supplied by the University were fradulent. The plaintiff had alleged in the Complaint itself that all other Ph.D.s in his faculty were paid atleast $8, 000 to $10,000 per year more- see here Apdx H. Plaintiff petitioned the Dist Ct to compell Rutgers to provide full, lawful answers (to all forty-two interrogatories) at Dist Ct D.S.I. (Docket Sheet Item) #s 107, 120, and 140 among other citing numerous case law precedents, but Rutgers (and the Faculty Union) evaded the issue, the Dist

Magistrate and the Dist Judge halted Discovery, defendants cross moved to dismiss, and the Dist Judge obliged.)

Int. 6 : List the names and business addresses and telephone unmbers of persons on the Business Advisory Council or Executive Advisory Council or such committee or group of business executives from the Rutgers/Camden vicinity who have been an advising committe to the F B S (Faculty of Business Studies) administration at Rutgers/Camden for (a)1985; (b) 1987.

Rutgers' Answer : Rutgers objects to this interrogatory as irrelevant and unduly burdersome.

(Plaintiff's Contextual Note Here :

Plaintiff had observed and charged in the Dist Complaint -see Apdx H - that the University administration, faculty, and students (most graduate students were also full time employees in the local business community) had launched a systematic

compaign, in collaboration with the said Business Advisory Council and other groups, to fraudulently malign and defame and to discredit me, the plaintiff, pro se. Rutgers never provided information asked. As indicated in the para immediately above, I moved repeatedly citing voluminous case law to compel Discovery, the Magistrate and the Judge halted discovery, the defendants cross-moved to dismiss, the Judge obliged in the face of numerous other blatantly unlawful activities of Rutgers University and the Faculty Union (the Rutgers Council of AAUP Chapters,having first dismissed the U.S. and New Jersey who had not even responded to my initiation of Discovery (although my Complaint charged as well as documented litigable activity by the U.S. and New Jersey officials also) and had cross-moved to dismiss with the Judge obliging them).

Int. 10 (a) : Name all persons who took care of responding to inquiries from prospective employers whom I contacted for a position beginning with the academic year 1988-89 and in a separate list such information for the academic year 1989-90.

10(b) : Provide copies of all responses provided pursuant to item a above; and notes on all over-the-phone responses given pursuant to item a above.

Rutgers' Answer :

(a) 1988-89, Dean Rick Elam

1989-90, Acting Dean Milton Leontiades.

(b) Rutgers objects to this interrogatory as unduly burdensome and duplicative. Without waving its objection, Rutgers states that plaintiff has already received all documents relatling to him in the possession of the University which are not privileged.

(Plaintiff's Note : In the Complaint I

had charged that Rutgers had " blacklisted" me - see Apdx H , as a large number of prospective employers had shown a keen interest in hiring me when I talked to them on the 'phone and when I met them at professional meetings, and yet not one ever called again let alone invite me for an interview.

Rutgers had not forwarded to me any documents of any usefulness, nor did they ever do it - for this interrogatory or for any others. As I had done for other interrogatories, I moved to compel Discovery citing case law here again, but, as indicated in my notes relatilng to two interogatories in the two paragraphs immediately above, the Dist Ct ignored my motions to compel discovery for the University and the Faculty Union as it had done for the United States and New Jersey, halted Discovery, and granted defendants' dismissal cross- motions.

Int. 11 : Name the following : [a] Local govt. agencies and officials, [b] New Jersey govt. agencies and officals, and [c] U.S. Govt. agencies and officials, to whom the University provided information about me that can be said in any way to be unfavorable, or information describing me as an undesirable person in any way.

Rutgers' Answer : Rutgers objects to this interrogatory because the terms "unfavorable" and "undesirable person" are vague and ambiguous. Without waving the objection, Rutgers states that plaintiff has already received all documents relaeing to him in the possession of the University which ae not privileged.

(Plaintiff's Note : In my Complaint I had charged that Rutgers and the faculty union had maliciously and fraudulently maligned me to not only prospective employers and people I socially associated

with, but to the Governments of New Jersey and the United States.

For this interrogatory as for all 42 of them, Rutgers had neither sent me any papers of any usefulness, nor did they ever send me any at any time. The Dist Ct, as noted for other answers of Rutgers, ignored my motions to compel discovery - at D.S.I. #s 102, 107, 120, 140, 151, 153, and 167 - for Rutgers and the faculty union and for New Jersey and the United States. The Dist Ct halted discovery, and granted defendants' cross-motions to dismiss my complaints.)

Int. 12 : Pursuant to interrogatory 11 above, set forth, including copies of documents, the information provided, people involved, dates, etc.

Rutgers' Answer:

" See answer to interrogatory 11."

(Plaintiff's Note : As in the case of

other evasive and unlawful answers, Rutgers University - and the faculty union - were permitted by the Dist Ct here again to simply by-pass the Discovery of facts.)

Int. 16 :

(a) Did any university officials and/or their associates and/or agents at any time bring ny Complaints agasint the university to the attention of and/or discuss with elected public representatives (i) at the state level ? (ii) at the Federal level ?

Rutgers' Answer : Rutgers objects to this interrogatory because the terms "associates" and "agents" are vague and ambiguous. Without waiving its objections, Rutgers states that Provost Gordon never initiated contact with elected officials concerning the plaintiff nor participated in any discussions with elected officials concerning the plain-

tiff. further linformation to be supplied.

(Here again the answer is completely evasive. I had charged in the Complaint that Rutgers and the faculty union maliciously and fraudulently used the Government Apparatus at all levels - in addition to the Corporate A53 Apparatus - to destroy me economically as well socially. Rutgers never sent any information or documents later despite my subsequent motions to compel discovery - please see the list of Dist Ct Docket Sheet Items where I made motions to compel discovery at my notes vis-a-vis Interrogatory 11, supra in this same appendix).

Int. 17 : Pursuant to interrogatory 16 above, provide detailed inormation as to names, events, times, places and circumstances with respect to any and all of the following ,and provide any and all rele-

vant information and documents:

[a] Camden City police Dept.

[b] Camden County Prosecutor's office

[c] New Jersey Division of State Police

[d] The Federal Bureau of Investigation

[e] Immigration and Naturalization Servide

[f] Any and all Task Forces, State and/or Federal

[g] Elected public representatives at any and all levels

Please use separate sheets of paper; and append all documents here relevant.

Rutgers' Answer :

" See answer to interrogatory 16."

(PLAINTIFF"S CONTEXTUAL NOTE HERE :

Yet another unlawfully evasive answer since in the Complaint itself I had charged as well as appended initial indicative documents charging ongoing complicity among listed defendants.

PLEASE NOTE :

- All interrogatories, and answers by both the University and the faculty union, were made part of the Dist Ct record by me at Docket Sheet Item (D S I) # 107 / its page 1. Other motions to compel discovery include the D.S.I.'s listed supra in this Appendix Item).

IN THE BROADER CONTEXT :

- Unlawfulness in court proceedings vis-a-vis fraud in discovery proceedings is only one of several other unlawful activities involving the defendants Rutgers University, the faculty union(the Rutgers Council) , and defendant United States (with New Jersey officals' ongoing complicity).

PLEASE NOTE :

- Rutgers totally evaded answers to 41 of the 42 interrogatories posed, violating

Federal Rules of Civil Procedure #s 33 and 37(a)(3) which are enunciated at Apdx G 2 .

Appendix J-2 :

PORTIONS OF DIST CT DOCKET SHEET ITEM [DSI] # 102 [8-25-1989]

therein page 1 :

"The plaintiff, Dr. Jay B. Bright, moves this honorable court to compel [a] The Federal Bureau of Investigation of the U.S.Dept. of Justice, [b] Immigration and Naturalization Service of the U.S.D.Justice, [c] New Jersey Division of State police, and [d] New Jersey Dept. of Education to comply with subpoena commands per Rule 45 b of the Fed R Civ P sent well over ten (10) days ago which they have failed to comply with. Copies of the subpoenas sent and of plaintiff's proof of mailing these are attached herewith."

Appendix J-3 :

PORTIONS OF DIST CT D S I # 111 [9-20-1989],

Letter Opinion and Order of Magistrate/

p.6 :

"Regarding defendant AAUP's cross-motion requesting that the June 14 transcript be deemed usable for all purposes, it shall be denied at the present time. Dr. Bright will, instead, be given an additinal ten (1) days from the entry of this letter opinion and order to sign and return the June 14 transcript, or make any desired changes in accordance with the procedures outlined in Rule 30(e). I warn Dr. Bright that this does not give him license to make wholesale changes to the transcript. The purpose of the plaintiff's review and signature is to produce an "Errata" sheet, prepared by plaintiff, identifying the precise page and line for each desired change and indicating the

reason for each change, such as "miss-spelling" or "mistranscription".

Appendix J-4.1 :

PORTIONS OF DIST CT D S I # 113

9-26-1989 / page 1 therein, I prayed to the Dist Ct :

"Plaintiff should not be limited to simply preparing an errata sheet in correcting transcripts of depositions. Plaintiff has a right to make substantive changes in the transcripts of his depositions : Allen & Co. v. Occidental Petroleum Corp. 49 FRD 337 SDNY 1970 ; also Colin v. Thompson 16 FRD, 194 WD MO 1954."

Appendix J-4.2 :

QUOTATION FROM THE BOOK

DISCOVERY by

Haydock and Herr (Little, Brown & Co, 1983): pages 160, 161.

" Sec. 2.8.4 - Changes in the Record by the Deponent : Scope

A deponent can make the following changes in the record :

A. Whatever the deponent wants to change, as onlg as he or she has some reason.

B. Only those changes which correct a court reporter's errors

C. Only changes approved by the opposing counsel.

D. Only a change that decreases the speed from 45 rpm to 33 1/3 rpm.

The rules permit a deponent to do A : make any change in form and substance the deponent has reason to make - Rogers v. Roth, 477 F 2d 1154 (10 th Cir, 1973) . The other answers (alternatives above, i.e., B, C, and D) are incorrect. If B or C were correct, there would have to be a court hearing to determine whose error it is and what constitutes a minor versus a major change. The rules do not permit a deponent to edit or rewrite a record :

changes can be made but only if the deponent has some reason to make them.

Sec. 2.8.5 Changes in the Record by the deponent: Rationale

Reasons that would allow a deponent legitimately to make a change in the record include:

A. Any reason

B. Any reason

C. Any reason

A, B, and C are correct. The reasons do not have to be substantial, significant or persuasive; they may even be inadequate- DeSeversky v. Republic Aviation 2 FRD 113,115 (EDNY, 1941)."

Appendix J-5 :

PORTIONS OF DIST CT Docket Sheet Item 120(D.S.I. # 120) , therein page 3 :

"The plaintiff further petitions this honorable court to have the UNION provide good-faith answers to plaintiff's interrogatories ("ints"). In regard to

this particular defendant, plaintiff's motions, defendant's Answer to these (motions), and plantiff's Reply to the latterare now before this honorable court (at DSI #s 107, 112, 114, and 117). PLEASE NOTE THAT DSI # 107 CONTAINS Ints and Answers of both the defendats. THE PLAINTIFF ALSO petitions to have the UNIVERSITY provide good-faith answers to plaintiff's interrogatories (which from both defendants are attached to DSI # 107, q.v.). In this regard, the history is as follows : [i] plaintiff served his ints to the University on 7-31-1989 which was per rule; [ii] The University, instead of supplying goodfaith answers,sent plaintiff a set of papers - purported to be answers -signed not-under-oath by a universilty official not on the Camden Campus where plaintiff worked, bearing the fraudulent date 'Sept. 5,1988', and violating numerous

goodfaith as well as required procedures and wilfully evading providing information and hiding blatant unlawfulness (see plaintiff's motions, DSI # 107 and the elaboration which follows). . . . "

"While the plaintiff has already drawn the Hon. Court's attention to deficiencies in the University's answers to plaintiff's ints. in plaintiff's motions returnable OCT 6,1989, plaintiff hereinunder elaborates... (Plaintiff's Note Here : then follow interrogatory-by-interrogatory elaborations for 41 out of the total of a total of 42 interrogatories).

Appendix J-6 :

PORTIONS OF DIST CT DSI # 140 ;

therein page 1 :

" Motion No. 2 : The plaintiff further moves this honorable court to : [1] schedule rulings on defendants' motions for summary judgment, if any,

fourteen (14) days subsequent to, and [2] schedule the time-limt (the deadline) for the plaintiff to complete his portion of the Joint Final Pre-Trial Order fourteen days suvsequent to the finalization of the following two matters :

[a] the plaintiff's obtaining per Rules, good faith, and complete answers to his interrogatories to defendants, and

[b] plaintiff's right to make substantive changes in the transcripts of his deposition testmony - said right assured by , among other, Allen & Co. v. Occidental Petroleum Corpl, 49 FRD 337 SDNY 1970; and Colin v. Thompson 16 FRD 194 WD Mo 1954. ".

Appendix J-7 :

[From Dist Ct DSI 141 / 11-22-1989]

therein Page 1 :

"The Context and Plaintiff's Reasoning: This honorable court ruled on July 21,1989 [DSI 86 / p.4] that short of Rule 45 of

F R Civ P, plaintiff could not demand production of ducuments from (the by then) non-parties (FBI, INS, and New Jersey). Subsequently, plaintiff pursued with subpoenas the matter (copies at DSI 102), and not receiving documents as subpoenaed (the INS sent a file 'not on official stationery' and over a signature neither identified nor indentifiable and such unauthenticated papers going only upto 1974; the FBI sent no papers nor did they acknowledge receiving the subpoena; nor did the New Jersey State Govt. agencies send any files) plaintiff moved (DSI 102) this court to compel discovery. When this court did not rule on the matter, the plaintiff submitted a second petition (DSI 120 /p.4), but this court has not todate ruled on the matter. Plaintiff's present motion prays for an immediate order per motion above , as the matter is [i] overdue, and [ii] of

crucial and critical importance to the plaintiff vis-a-vis the very viablility of his complaint which alleges, among other, substntial and litigable involvement of local, state and federal governments with the present defendants and vice versa, as also [iii] the plaintiff's urgent need for his equal and just access to evidence in preparing his pleadings." [Ref: DSI 141, therein p.1]

Appendix J-8 :

Portions from Dist Ct Docket Sheet Item 148 / therein page 1 :

"Defendant Rutgers Council of AAUP Chapters (the Union) filed untimely, contrived, deceitful, and fraudulent set of papers (please see Exhibits 10a - 10e) including so-called 'affidavits', in violation of Local Rule 12(C) , further claiming this honorable court's unilateral and arbitrary complicity in permitting the violation of rules, but without any affi-

davit citing who, how and when in this court was involved. The union counsel also similarly filed a cross-motion that is untimely and is based on fraud, deceit and unlawfulness(see para 3.9 below), and the plaintiff hereby alerts this honorable court to said unlawfulness as well. Exhibit 3 bears no signature. Exh 4 is neither notarized nor signed." [Ref : DSI 148, p.1]

Appendix J-9 : Portions of DSI # 151, wherein pltf seeks FRCP 56(d) fact-finding (in addition to FRCP 56(f) continuance) and cries Ct is sounding "Death Knell" :

Dist Ct D S I # 151 / page 3 therein

" Even subsequent to the asked continuance and a subsequent affidavit from plaintiff in defense of said motion, this court itself, per Rule 56(d) may (then) take initiative as to (then) necessary determination of all the facts;

especially in view of plaintiff's ongoing and above stated concerns. Plaintiff has respectfully charged that material facts are being deliberately, maliciously, and unlawfully denied him by the defendants and by this court.

The consequences of denial of plaintiff's prayer for court orders requested may result, plaintiff pleads, in manifest injustice to the plaintiff; and in a de facto approval by this court of unlawfulness of the entities hereabove charged. Attached are Eleven (11) exhibits"

Appendix J-10 :

Portions of Dist Ct Docket Sheet Item 167 /

therein page 2 :

"The University's and the Union's ongoing evasion in providing per-rules, complete, and good-faith answers to plaintiff's ints. were brought to the court's attention : SEE

Docket Sheet Items as follows :

102, para 1.00

107, paragraphs 1.00, 2.00. NOTE ALSO : to this pleading [i.e., to D S I 107] are appended the answers to plaintiff's ints. received from the University and from the Union. This pleading was turned over to U.S. Mag. Hon. Simandle on SEP 11, 1989.

117, Para 1.03 in here the plaintiff describes the deficiences in the Union's answers to his ints.

120, para 7.02 Describes in detail the deficiencies in the University's answers to plaintiff's ints.

140, para 1.

141, para 1.0 Plaintiff moves for the second time to compel discovery of the United States and of New Jersey.

148, Para 2.02; Exhs 3 and 4 to said pleading

159, Paras 4.1 through 4.6 : Exhs A

and D.

Deficiencies in the Union's answers to plaintiff's interrogatories are at DCI # 117, page 2 of that pleading.

. . . . .

The Union's opposition papers in this regard consist of the following : An affidavit by counsel Reinhardt - Exh A1 through A5, attached : another affidavit by union emplyee Marketti - Exh B1, attached; and a DEC 1, 1989 letter-brief to U.S.Magistrate Hon. Simandle : Exhs C1 and C2 being its first and last pages, attached herewith, q.v..

As to the Reinhardt affidavit, see Exhs A1 through A5, attached: First, the "affidavit" itself is questionable in that the oath administered is by an attorney (not a notary public) neither identifies the attorney nor sets forth his/her particulars of admission to what bar and when. Nor is it clear if a duly admitted

attorney at law can lawfully administer oaths in New Jersey; Secondly, Exhs A3.1 and A3.2 are deceptively put toghther - the date on Exh A3.2 is different from that on Exh A3.1. Thirdly, Counsel Reinhardt stands challenged in that she had received, but does not acknowledge plaintiff's letter of NOV 24,1989 to her : SEE Exhs D1 and D2, attached. Counsel Reinhardt's studied deception and fraud lie in several places : first she feigns non-receipt of Exh D1, she is sworn by an unidentified person - Exh A1 - page 2; and thirdly, she lies about the matter also to U.S.Magistrate Hon. Simandle by signing her name neither recognizable nor legible - Exh C2. Note that Exh D1 is also discussed in DSI # 148 / its As to the Marketti affidavit - Exhs B1 and B2, attached : First, the "affidavit" is neither signed nor executed - see Exhs B1 and B2; and secondly, the papers are

not legally vouched for in that there is no signature of the counsel to the forwarding paper - SEE Exh B1."

[Ref : Dist Ct DSI # 167]

Appendix K :

PORTIONS OF PLTF-APLT'S C.A. MOTIONS

filed, C.A., 7-24-1991 :

"Motion #1 - The appellant respectfully moves this honorable court to (i) impose appropriate sanctions on the consel for defendant-appellee U.S. for her deception of the court, and for wilful breach of Due Process of Law, among other, and (ii) take immediate steps to have appointed a Special Prosecutor/Counsel to imvestigate and act upon what clearly invlolves falsification of court recoreds involving defendat-appellee U.S. and court personnel. (Argument for all the motions at para 2.0 et seq)".

" Motion # 4 - It isrespectfully

further moved that this court be alert and take steps vis-a-vis defendant-appellees Rutgers University and Rutgers Council of AAUP Chapters ("AAUP") having submitted documentation now part of the District Court record which is fraudulent, deceitful, contrived and misleading-by-design (Argument follows). " "Motion # 5 - It is respectfully further moved that this court be alert to and take steps vis-a-vis the presiding judge in the lower court knowingly, premediitatedly, unlawfully, and ongoingly permitted defedant-appellees Rutgers University and "AAUP" (Rutgers Council of AAUP Chapters) to file <u>with impunity</u> tampered evidence, fabricated evidence, falsely sworn papers, and papers that were clearly and blatantly fraudulent, dedeptive, and misleading-by-design. (Argument follows)". "M o t i o n # 7 - It is respectfully further moved that this court <u>peruse</u> <u>and</u> <u>pursue</u>

very recent as well as ongoing concerted unlawfulness among the Clerks and the Staff Attorneys of this court - setforth infra - and take appropriate steps to safeguard the interest of justice for all litigants.(Arguments for all motions are at para 2.00 ff)" [Ref : Pltf-Aplt's Brief to the U.S.C.A. / 3d Cir, therein pp. 7, 8, 10 - 14]

Appendix L : > > >

A p p e n d i x L-1 :

FIRST please see the "Statement of the case" in the Text of this Petition.

WHAT FOLLOWS IS AN ELABORATION.

THE C.A. HAD THE ENTIRE FOLLOWING ANALY SIS AND DOCUMENTATION BEFORE IT :

1.001 A NOTE AS TO THE A N N E X :

In the following paragraphs, reference is made to " Exhibits in the " Annex " : these are in the "Annex to Pltf-Aplt's C.A. Brief".

Since plaintiff had "proceeded on the original record" in the C.A. , an appendix was not required. "Proceeding on the record" made the entire Dist Ct record the pltf-aplt's appendix to his C.A. brief.

1.01 PROCEEDINGS IN THE LOWER COURT, 9-21-1988 to 2-15-1990 :

1.011 In the lower court, the District Judge saw, in 1988 when he perused my (the

Petitioner's) Complaint and its voluminous exhibits [44 exhibits are attached to the Comlaint itself and cross references, documents establishing a linkage between defendants U.S., New Jersey, and individuals at Rutgers University, Camden Campus, where I (the plaintiff-Petitioner) allegedly sustained injuries giving rise to the Federal law suit.

What followed, in essence, is that the Judge and the U.S.Magistrate (whose job as the assigned magistrate was to ensure full and lawful discovery) blocked my access to U.S.'s and New Jersey's dossiers on me, dismissed my complaints early-on against the U.S. and New Jersey, and then both proceeded to permit the principal defendant Rutgers University and its parasitic organization the Faculty Union (Rutgers Council of AAUP Chapters) to both evade discovery and tamper with/destroy evidence and blatantly and

ongoningly permit violation of rules and procedures of Federal Courts.

1.020 The lower court Judge's overall course of .pl 63action ,the following evidence affirms, is indicative of a design to aid and abet, and to cover up ongoing and blatant unlawfulness of (i) defendants Rutgers, the State University of New Jersey, and the Rutgers Council of AAUP Chapters (the faculty union) , and secondly (ii) listed defendants United States, and New Jersey. ~~Consider~~ in this regard the following:

1.021 I brought to the Judge's attention blatant fraud and wilful deceit of all concerned by both the defendants - the University and the Faculty Union- in my following filings:

- Dist Ct Docket Sheet Item (DSI) # 174 titled "Plaintiff's Affidavit Pursuant to His April 3,1990 Affidavit", its page 1, q.v., : Here Judge Brotman is accessory to a conspiracy with the counsel for defendant Rutgers University to unlawfully imply that he, the Judge

had somehow made, and approved, a motion to schedule oral arguments for the University's summary judgement motion. In reality there was no such motion made. See here paragraphs 2.1 and 2.2, Page 1 of said DSI (Docket Sheet Item) # 174 ;

- DSI # 173, titled "Plaintiff's Affidavit Again Alerting the Court that the Court Must Strictly observe Federal Laws and Established Court Procedures", q.v., : Here I have alerted the Court that the District Judge ongoingly and blatantly continues to be accessorty to downright unlawful activity and this with (i) defendants Rutgers University and the Faculty Union; and (ii) listed defendants United States and New Jersey; - See said DSI, Pages 2,3, and 4 (paras 1.1, 1.2, 2.0 ff, and 4.0);

- DSI 172 titled "Plaintiff's Affidavit and Letter-Memorandum to the Hon. Dist. Judge", q.v. : Here I have drawn the Judge's attention(and,the Magistrate's attention as well) to the

fact that defednats Rutgers University and the Faculty Union(i.e.,the Rutgers Council of AAUP Chapters) have unlawfully avoided full and truthful discovery, and have further resorted to fraud and deceit in the very limited discovery had; and that the Judge and the Magistrate have aided and abeted such. SEE HERE Pp 1,2, and 3 (paras 2.0, 4.0, 4.1 ,5.0 ,7.0 , 8.0, 10.0, 11.0) of said DSI.

1.022 ALSO PERUSE CAREFULLY, among other, DSI 169, its pages 1,2,and 4 (paras 4.1, 6.1, 7.1 and 7.2);

1.023 AT THIS POINT PERUSE ALSO DSI 148 its pages 1 and 2, paras 2.0 ff, 3.0 ff, as also para 4.0 et seq.

1.03 PREMEDITATED MISREPRESENTATION OF COURT RECORDS : The presiding Dist Ct Judge, furthermore, ongoingly, and wilfully was accessory to, and himself engaged in, fraudulent distortion of Court records as well. See here, among other, the following DSI's : 113, 114, pages 1,2 which is the Dist Judge's Opinion of

OCT 30,1989. Here again the Judge resorts to misrepresentation ; on page 3 the Judge fruadulently claims that I have somehow failed to show that Magistrate Simandle (not 'Judge' Simandle as the Dist Judge repeatedly misleads the reader) in his Order of Sept. 20,1989 (= DSI 111) is clearly in error - I did indeed demonstrate that the Magistrate has erred : see here (i) DSI 113 page 1, para 1.04. I have, indeed, quoted not one but two case-laws; (ii) Further, I have also shown that the Magistrate is in error of fact as well in that the Magistrate resorts to blatant fraud in claiming (in his Opnion and Order at DSI 111, page 1) that my complaint involves a question of tenure when in reality it does not : see DSI 113 its page 1, para 1.02.

1.053 IN ESSENCE, defendant Rutgers Uiversity, even before I filed the Complaint in the Dist. Court,and as early as 1984 when I joined the University, through ongoing contacts and politicians at the local, state and Federal

level, got involved,among others, State and Federal prosecutors (SEE HERE ALSO **D S I 1**, its Exh 36,among others) and further got numerous groups in and out of the University involved to fraudulently build a malignant dossier on me in conspiracy with groups within and out of Rutgers University and with a blatant Govt.-Corporate-communities-interest groups conspiracy.

See here my ANSWERS to Rutgers University's interrogatories # s: 8,9,10A(which also includes a schematic diagram), et seq. attached to DSI 98); as also pages 3,4, and 5 (paras 8 ,9, 12 and 13, among others,of DSI 1 (the Dist Ct Complaint) its own 44 Exhibits being attached to it.).

THE PROSECUTORS THEN OBTAINED COURT ORDERS TO FURTHER ABRIDGE MY CONSTITUTIONAL RIGHTS, giving the prosecutors and surrounding townships/vigilante groups additional and ongoing license to fraudulently add to and to perpetuate the contrived dossiers on me.

1.054 The second of a total of two

U.S.Magistrates, not assigned to my case, played a very important part in the massive fraud pervading this case, along side the trial Judge and assigned Magistrate Simandle : Examine here first DSI 1 / Exh 29, then that DSI's Exh 30, then Exhs 28, 27, 26, 25.1, 25-its paras 4 to 6, then 24,23, 22, 21, 10, 10A, 10.1-10.32. Next peruse DSI 1 : its page 2, para 8 and its Exhs 28, 30,31 and 36; and note how Rosen resorts unlawfulness in spelling my name "Brights" - twice in that document - to get my file misfiled! Now examine Exh 29 to D S I # 1.

1.055 AS TO THE INVOLVEMENT OF THE ASST. U.S.ATTY IN CHARGE AT CAMDEN, NEW JERSEY, see DSI 1 / page 3, para 8, and its Exhs 30 and 36).

In regard to the County Prosecutor's (District Attorney's) cover-up and tacit ongoing involvement, examine DSI 1, page 2, para 8; and then Exhs 27 and 33 of said DSI.

1.0551 Turning at this point to the

Annex filed with this brief, examine in this context, in the "Annex": Exhs 33, 32, 31, 30, 29, 28, 27, 26, 25, 10, 10A, and 10.1-10.32 Now refer to Exhs 32, 31, 30, 29, 28, 27, 26, 25.1, 25, 24, 23, 22, 21, 10. FURTHER, TURN TO (i) Exh 25 - its paras 4, 5, and 6; and (ii) Exh 8, all of its p.1 These further describe and document blatant criminal conspiracy involving the Judiciary and the Executive Branches of the U.S. and an oppressive, brutal and criminal police state apparatus.

1.06 Defendant-Appellees U.S. and New Jersey launched a ruthless campaign to discredit me (the plaintiff-appellant) throughout the County, the State, the U.S. and even in India where I was born, latter through blatantly and ongoingly opening,diverting, and even fabricating my mail to and from India. Local police depts and "neighborhood watch" groups were set after me with a vigilante flavor - neighbors, school personnel where our U.S. born children study; shopkeepers, local banks - all were (and

continue to be) invlolved to physically, socially and otherwise destroy me and my wife and our (U.S. born) two teenage children; the additional motive being to fabricate "evidence" and "witnesses" to be used against me if and when there is a trial.

Such activity continues todate unabated. Defendant U.S. working hand in hand with Rutgers officials and through U.S. agencies/their cohorts, among other things, alarmed all prospective employers across the country. Rutgers University was equally and primarily involved in this - so the employers I contacted over the telephone and in person (at professional conventions) were told malicious stories about me, so that I was and continue to be black-listed. Fact-finding about this was evaded by Rutgers- para 14.17.051 below.

1.0601 Defendant U.S., with the active and knowingly unlawful and brow-beaten cooperation of any and all Indians / Indian-Americans in New Jersey, Philadelphia area, the U.S, and in

India (where I was born) I contacted; built fraudulent dossiers on me.

They even got involved a large number of Indians here and abroad who "may" know of me. These tactics so chilled the Indian community that they told me that they avoided me in extreme fear of the governmental apparatus.

1.061 Defendant U.S.

even went to the extent of having my mail fabricated (see here C.A. 90 - 5001, its pages 2 - 5 / paras 1.4, 3.2, 3.3, 3.4,3.6, 3.11, 3,12, and 4.6.

1.0611 Now please peruse in the ANNEX filed with this brief, said Annex's Exh 25, its paragraphs 4, 5, 6., and then the Annex's Exh 8, all of its page 1;

1.0612 At this point please turn to C.A. 90 - 5001 , its pages 2-5 / paras 1.3, 1.4, 3.2, 3.4,3.6, 3.10.

The blatant and unabashed objective was and still is to perpetuate fraudulently the fraudulently built dosssiers on me ;

1.062 THE DIST JUDGE covered up for all of latter by (i) blocking full and lawful discovery including denial of my access to dossiers on me, (ii) dismissing early on defendats U.S. and New Jersey, and facilitating the U.S.-State- Corporate-Communities Groups ongoing brutality and criminality, and the perpetuation of fraudulently built malignant dossiers on me; as well as to tacitly approve my and my family's ongoing subjection to brutality and atrocities of a vigilante environment, in addition to other defendants' blatant unlawfulness.

1.07 Furthermore, (i) In DSI 172 , its para 12.0 (page 3) I alert the Dist Judge that listed defendants United States and New Jersey also have evaded discovery; and this is of extraordinary significance in view of my ongoing concerns and repeated pleas for justice and for protection against being abused and brutalized at the hands of the United States (and the Federal-State-local) apparatus, the latter also

involving townships and vigilante groups around and including Collingswood, New Jersey, where I and my family live, but extending across the country as well as overseas. In DSI 1 - its para 7, line 16 et seq - I drew Judge Brotman's attention to a conspiracy between the University, the Faculty Union and the State ofNew Jersey to abridge my civil rights.Further, in DSI 159 - its Exhs G1 and G2- I even supplied him with the specific statute they had violated. Yet Judge Brotman failed to take action against the defendants' crimes in court proceedings; (ii) The University and the Union commited additional unlawfulness in the following: DSI 1, its Exh 10; and DSI 159, its pages 1-3, paras 4.1, 4.2, 4.5, and 5.2. The Dist Judge covered it up by looking the other way. (iii) The University's unlawfulness was also covered up at DSI 171, its page 2,

para 5, line 8, et seq, and Exhs 1 & 2 there. (iv) Also covered up were documented unlawfulness brought before the the Dist Judge in

the following DSI's:

98 (page 1, para 1.01),

102 (page 1),

107 (pages 1-3, paras 1.00,2.00,
and 9.0),

117 (page 1, para 1.03),

120 (page 2, para 7.02),

141 (page 1, para 1.0),

148 (page 1, paras 2.0 et seq,
2.02,2.03,3.3,3.4,3.5,3.6,3.7,
3.8,3.9,4.00,

156 (page 2, para 6.0),

159 (pages 1 and 2, paras 2.1,4.0
ff),

167 (pages 1,2 paras 1.1,1.2,1.3
ff,2.2,2.3,2.4),

169 (pages 1,2 paras 4.1,6.1) , q.v.

> > >

1.08 WHAT IS MORE , the Dist Judge permitted ongoing and brutal violation of my Constitutional rights as a U.S. citizen - including but not limited to the right to untampered and unfabricated postal service.

See here : (a) Annex Exh 25, its paras 3 to 6, and Exh 25.1 ; (b) C.A. 90 - 5001 its pages 2-4, paras 1.4, 3.2, 3.4, 3.6, 3.8, 3.11, 3.12, and 4.6; and (c) C.A. 90 - 5001 its page 1, para 1.4.

1.09 Fraudulent submissions by the dozen filed by both the University and the Union elaborated on at great length in the present complaint, and the pro-clivity of the defendants to file papers with the judge rather than through the Clerk,give rise to serious questions.

10 THE DIST JUDGE FURTHER AND ONGOINGLY misrepresented the

docket and abused the Federal Court System by again wilfully distorting yet another motion he ruled on. Now, in DSI 114 , q.v., its page 1/ para 2.01, I charge ongoing unlawfulness in the Dist. Court by citing particulars as to the Magistrate's granting blatantly unlawful favors to a defendant. The Judge, in responding to my repeated complaints and cries for fairness, distorted my motion - see DSI 128, page 2, its last para. In reality, the Magistrate had, among other things, granted EX PARTE favors to the Union; the Judge ignores said charge in his Order at DSI 128, page 1.

101 Covered up was yet another court related fraud, commited by Rutgers University, the principal defendant.

Now, in my complaint I have charged that the University, among other thiings, paid me a salary eight to ten thousand dollars

below any other Ph.D. in my faculty division - the Faculty of Business Studies - and further that the University refused to provide data on salaries. (See DSI 1,page 2, its para 6). The first question I asked the University in my Interrogatories was to provide said data on salaries.

The University defrauded all by providing fraudulent salary data, providing no names of faculty (though asked),and rendering the caption ofthe salary table illegible The University's Answers to my interrogatories are attached to DSI 107. I alerted the Court - see DSI 169,page 2, its para 6.1. Furthermore, in submitting the fraudulent data - and both the University and the Union have lied profusely in answering the interrogatories - the University officials have compounded the fraud by either not signing the documents, or not getting them notarized, or signing

with an impossible date SEE HERE (i) DSI 107 , pages 1,2 paras 1.1 , 1.03; 2.01,3.00, and9.0; (ii) DSI 98 , page 1, para 1.01(c); and (iii) DSI 93 ,page 1, para 1.03.

102 The Judge further aided and abeted ongoing unlawfulness by defendant United States : In my Complaint - DSI 1 - filed September 21, 1998, in its page 2, para 7 lines 8 et seq and further in its para 17.5, q.v.,I began drawing the Dist Judge's attention to my very serious concerns regarding defendant United States' ongoing resort to fraud and conspiracy in building and perpetuaing fraudulent dossiers on me and violation of my constitutional rights - SEE DSI'S 16/ page 1, paras 2.0 and 3.0; DSI 38/ page 1, paras 3.01 and 3.02; and 40/para 1(3).

1.1021 As a Federal Judge, the presiding judge by law perused my Complaint and alert as well as U.S.'s dossiers on

me, including my charges of defendant U.S.'s ongoing fraud including my 4-1-1986 letter to then Asst. U.S.Atty in charge - peruse in the ANNEX the annex's Exh 31 first; then peruse the ongoing fraud of defendants U.S.in the Annex's Exhs 25 t h r o u g h 33). Said (previous) Asst U.S.Atty in charge was alarmed as to the fraudulent nature of the papers attached to Annex Exh 31. Note also in the latter exhibit that the bank statement is designed to commit a"fraud within a fraud" : the fraudulant entry of $5,000 is made further to look in a subsequent column inthe same statement like $500,000 by the bank in question , with fraudulent intent by not using a decimal point to separate dollars from cents(= last two zeros).

Same is repeated in a different column on the same page by making $10,000 look like $100,000 in the same statement.

AND THIS IS NOT AN ISOLATED EVENT EITHER: similar unlawful mischief was carried at all banks - see Exh 21, attached (i.e., in the Annex to the C.A. Brief) and just a second of numerous examples.

At Rutgers University, activity involving Govt - University - Corporate - Students - Vigilante Groups was repeated on a monstrous scale.

Soon said (previous) Asst U.S. Atty quit the U.S.Govt. and went into private practice and still is in the Southern New Jersey area.

)211 The U.S. then appointed a hand-picked man (former Rutgers University prominent figure, former law-clerk to a Camden Federal Judge, and a formerDeputy to Camden County Prosecutor), to be in charge of the U.S. Attorney's office in Camden. Very soon thereafter, said former Rutgers prominent man was made a U.S.Magistrate in Cmaden, with his

former colleague continuing at his side. Said Magistrate / former U.S. Atty / former Rutgers star /former county prosecutor has had and continues to have very strong ties with principal defendant Rutgers University - See Annex Exh 29. I was hired on blatantly discriminatory terms in 1984 (see DSI 1 pages 1-5,) and the Rutgers University crowd including said individuals chose the path above described.

1.1022 TO GET FACTS ON THE 'BUSINESS' SEGMENT OF THE GOVT -BUSINESS - RUTGERS - VIGILANTE GROUPS complex, among other things, I sought facts through my interrogatories to the Rutgers University component of the "apparatus", but the assigned Magistrate permitted the University to evade the questions in the face of my repeatedly asserting my legal right to the information by profusely quoting case law after case law , AND

THE JUDGE IGNORED MY MOTIONS TO CORRECT THE MATTER - see here My interrogatory # 6 (the intgtrs are appendedto DSI 107) - then see my motions to compel answersin the said DSI 107 pages 1,2and in DSI 113 pages 1 and 2 - the Judge ignoring my motions in part and denying the rest at DSI 127, pages 1,2.

1.1023 THE U.S.'s ONGOING COLLUSIVE ACTIVITY against me is futher confirmed : SEE Annex Exhs 26, 27, 28,29,30,31,32, and 33.

IN CLASS AFTER CLASS, semester after sememster, Faculty, staff and advisers from the corporate world in the region connived, contrived and defrauded in a lynch-mob environment and with impunity and agressive cooperation of the Police Apparatus at all levels. I was at the receiving end of the massive, organ-ized brutality. I initially went to the Police Apparatus and the elected offi-

cials pulling their strings - see Exhs26, 27, 28, 31, 32, and 33- but saw that I was akin a chicken complaining to the foxes.

I also kept my Congressman, U.S.Rep. James Florio informed -Annex Exh 25.1 is one of a large number of letters I wrote to Rep. Florio. While Rep. (now Gov.) Florio never saw me despite my requests for a meeting, he wrote back . Local vigilante groups with the active complicity of officials carried on - and still do - their lynch-mob type activity - see the Complaint - DSI 1, page5, para 17.6; DSI 16, page 1, para 2 - but the Judge Ordered a denial of the request (DSI 33, p. 3, bottom para). At a hearing before the Magistrate in January, 1989 I even described the grisly details. Nothing has been done to check the apparatus.

.024 To fact-find the above aspect, I posed interrogatories (i) To

the University: interrogatoies 14,17, 18, 21, 23, 30, 39, 40, and 41; (ii) To the Union: Ints 2, 3, 5, 9, 10, and 11. - see here DSI 98-its appendix; and DSI 107-its appendix. The defendants did not answer the intgs though voluminous case law I cited required them to; and the Magistrate and the Judge did not compel the defendants to answer - SEE HERE DSI's 107,pages 1-2; 113, pages 1,2; and 127, pages 1 and 2. MISCREANTS got a reprieve when the Dist Judge stone-walled the whole case by completely ignoring the case's docket for a whole year - between Feb 17,1990 and Feb 19,1991. The net effect of this was to (i) facilitate the miscreants' destruction of unlawfully gathered dossiers/files, and (ii) facilitate wrongdoers'- including those in the Federal Courts - escape from the statute of limitations of liability under the law.

1.2.01/02 THE ASSIGNED U.S. MAGISTRATE'S obstruction of Justice ongoingly and very substatially overlaps - demonstrating concerted unlawfulness - with that of the Dist Judge.

The Magistrate aided and abeted and ongoingly endorsed concerted unlawfulness in court and related proceedings. SEE : (i) DSI 172,page 3,para 11.0 and the documents referenced therein; (ii) DSI 169, pages 1,2,and 4; paras 4.0, 4.1, 5.1, 6.1, 6.21 et seq, 7.1, 7.2, 7.7, and 7.8.

1.2.03 The Magistrate (as wellas the Judge , as we saw above) violated Federal Rules of Civil Procedure to favor defendants. SEE HERE among other, DSI 114, pages 1,2 - paras 2.01, and 6.01.

1.2.04 When I alerted the Court that there had begun (to escalate ongoingly) activity in court proceedings involving not only the defednants but also court officials - see DSI 16,page 1, para 3;

DSI 40, page 1- paras 2 and 3; DSI 50, page 1,- paras 1 and 2; DSI 52, page 1, paras 3 and 4; DSI 65, p.1, para 3.01; and DSI 65, p.1, para 2 - Mag. Simandle resorted to intimidation : see Annex : Exh 11, p. 2, para 2. In the latter again, the Magistrate wilfully misleads , distorting my filings : see Annex Exh 12, para 2.4, among other.

.05 ONGOING TACIT ACTIVITY OF THE DIST CT WITH DEFENDANT-APPELLEE U. S. :

The Magistrate - and the Judge - by law, perused in Sept 1988 my Complaint # 88 4115 - DSI 1 - its pages 2,3, and 4 -in which I allege among other things a conspiracy among Rutgers University, the Faculty union, new Jersey, and the U.S.. The Magistrate , as the assigned magistrate, was to ensure lawful discovery; but proceeded, in tacit arrangements with the U.S. Attys' office, to : first

block my access to U.S.'s dossiers on me (which I alerted the court were fraudulently built and perpetuated beginningwith my Complaint) - see here, among other, Acc Aff Exhs 14, 16, 17, 18,19, 20, 22, 23, and 25; and then proceeded to permit Rutgers University and the Union to commit massive ongoing fraud and further to block their full and lawful discovery as well, as elaborated upon above. WHEN I ALERTED THE COURT OF APPEALS - see C.A. 90 - 5001 : my Petition for a Writ of Mandamus -see its pages 2 through 6 - C.A. Judge Sloviter, looked the other way in the face of profusely documented unlawfulness.

.06 THERE WAS, IN EFFECT, A CONCURRENT WAVE OF UNLAWFULNESS IN THE COURT OF APPEALS AS WELL , AND I ALERTED the then C.A. Chief Judge - see Annex Exhs 7 and 8. But the C.A. (see Annex Exh 2) did not even acknowledge either of

my two alerts, and when I petitoned for an In Banc rehearing, - see pages 1-3 of each of my two separate In Banc Rehearing pleadings for two of my appeals, C.A. 90 - 5001 and C.A.#89 - 5947 both filed FEB 2,1990 - the matter got nowhere with the C.A..

1.2.07 I AGAIN CAUTIONED THE DIST COURT in DSI's 173 /its pages 2-5; and in DSI 174 /its page 1. I WAS , AND AM, HOUNDED DAY AND NIGHT BY VIGILANTE GROUPS. ON OCT 23, 1990 I ALERTED THE U. S. ATTY FOR NEW JERSEY IN NEWARK, New Jersey,- Annex EXH 1.1.

.102 OBSTRUCTION OF JUSTICE is further evidenced in the Magistrate's letter-order of December 13, 1989 - DSI 149 ,page 2. In the said Order the Mag. distorts the F R Civ P on p.2,top 20 lines, to cover up his clear cover-up of the Union in regard to the latter's breach of court proceedings - see here

DSI 148,its page 1,2,and 3; and DSI 151, its pages 1,2,3 - which are among ongoing events constituting profusely documented indictment of yet another chapter of the Dist Court's collusive unlawfulness with the defendants.

1.2.103 The Magistrate further blocked my anticipated challenge to him per 28 USC 636 c 4 and Local Rule 40 D 4 a,which I had pursued before (see DSI 113 , pages 1 and 2 - cornering the pair., q.v..

1.3.0 EVENTS IN THE DIST COURT, FEB 16,1990 :

1.3.0.33 The follwoing are among the extraordinarily noteworthy events that took place during oral arguments in the Dist Ct / 2-16-1990 - Please see for details DSI 181, pages 1 - 5;

1.3.0.331 The Dist Judge, without plaintiff's asking anything about the time frame, told the plaintiff that the case

may drag on for ten years.

I believe that this alone renders all orders of the Dist Judge in the case and reversible.

1.3.0.332 When Rutgers University's answer to plaintiff's interrogatory # 1 (please see DSI 107 for details on interrogatories) was discussed, the plaintiff told the judge that the University had lied vis-a-vis the table of data on faculty salaries, etc. Said table's caption is jumbled and rendered illegible. A majority of the University's answers to plaintiff's interrogatories are either evasive, or in blatant violation of applicable rules, statutes and case law; and all were submitted not-under-oath, and by a University official writing the date "September 5,1988" although submitted in September of 1989. The plaintiff-appellant urged the judge at the hearing to have the University provide names

against salaries in said table of salaries - as asked in the interrogatories - (to verify plaintiff's assertion that the University had, here again, resorted to fraud). Plaintiff's said motion, as others to compel discovery, has todate been ignored by the judge as have plaintiff's numerous motions to make for full and lawful discovery.

1.3.0.333 When discussing ongoing and blatant fraud of defendant Rutgers Council of AAUP Chapters (the faculty union) as well, the plaintiff drew the judge's attention to a union offical's affidavit in support of the union's motion for summary judgment with neither a signature nor a date (said fraud, among others, is documented by plaintiff at DSI 167, its Exh B2). Counsel Reinhardt turned to said "affidavit" in her file. Plaintiff indicated to the judge that plaintiff could see from where he was standing that

said counsel's files also had the no-signature "affidavit".

Plaintiff asked the judge if theymay appoach the bench. The judge, then, acting as an advocaate of defense counsel Reinhardt said to Ms Reinhardt that she probably had the properly signed affidavit in her office. Reinhardt said nothing. The judge knew, from his study of the record, that the union (as the University) had pulled similar frauds before in connection with an affidavit of another union official, Wells Keddie, when initially Keddie's "affidavit" was submitted without a signature(DSI 156,its Exh A), and later Keddie signed on November 30,1989,the notary signed his/her name illegibly, and further hiding his/her name : see copy attached to DSI 181. SECONDLY, plaintiff drew the court's attention to just two or three of an ongoing and blatant exercises in wilful deceit and

fraud already on record : In regard to the Brief in support of the University's motion to dismiss - the transcript portions there submitted;

(i) In the 1st day of plaintiff deposition transcripts; p. 157, line 15 : Plaintiff had said (Former Georgia Gov.) Lester Maddox "of the ax-handle fame";plaintiff did not say "of the X hall of fame" asthe University would have all reading their document believe.

(ii) In the 2d day of plaintiff's deposition transcripts; pp. 111, 112, et seq are missing where plaintiff indicates that plaintiff was indeed granted tenure as Full Professor and Director of the Graduate School of Business of said University and had complete charge of that faculty.

1.3.3341 Additionally, see DSI 93, p.2, para 1.03, lines 6-12, setting forth details of yet another in a long series of exercises in evidence tampering brought to

the attention of the District Judge.

1.3.3350 When plaintiff complained that defendants as we ll as their counsel had submitted "affidavits" that were not notarized, nor signed, and in some cases signed by defendants in front of their own counsel; and in additional instances signed by defendse counsels in front of some "John Smith" who signed illegibly, indicated that he was an attorney, but gave no full name nor any particulars as to when he was admitted to the bar; the judge, during said 2-16-1990 court hearing, said such was permissible.

1.3.3351 The plaintiff told the judge at said hearing that apart from the plaintiff, Rutgers University had also professionally assasinated a number of other minority persons. Looking at the tip of the iceberg, the plaintiff told the judge how one Dr. Anwar Shabon, a refugee from Afghanistan, and one Dr.(Mrs) Vagheri, an

immigrant from Iran, both of whom were employed at the University at the same time as the plaintiff was, were fired, had claimed discrimination, and were unable to find employment anywhere. (The judge already knew from court record that a black lady professor at the University, Dr.(Mrs) Graham-Ellis, was coerced to resign from the University a few weeks after she told plaintiff of being horribly treated by the University.).

1.3.336 After plaintiff had indicated to the judge that the discovery of facts in the case was incomplete, flawed, rampant with fraud, and unlawfully stayed by the Court, the judge asked the plaintiff if he was asking for a continuance. The plaintiff, already on record as having asked for full and lawful discovery and for continuance (see, among other, DSIs 158 and 171), said that plaintiff was indeed asking for a continuance.

1.3.337 The plaintiff described to the judge with great specificity how vigilante groups were ongoingly attempting to kill the plaintiff by subjecting him to, among other, noxious chemicals. The judge countered by asking the plaintiff he was dealt any body-blows. The plaintiff said he wasn'st. Beginning with the Complaint (its para 17.6) the plaintiff had drawn the Court's attention to the threat to the safety and security of the plaintiff and his wife and children.

1.3.338 The plaintiff complained to the judge at the hearing that the U.S.Government in general and the Federal Bureau of Investigation in particular were violating plaintiff's Constitutional rights.

The judge, who is a Federal Judge before whom plaintiff's similar complaints have been beginning with the Complaint - among other - said : "I never interfere with them".

In the same context the plaintiff prayed for o review of dossiers on him.

1.4.000 DIST COURT EVENTS, 2-17-1990 TO 5-21-1991 :

[i] After the 2-16-1990 hearing [at which the judge again and repeatedly abrogated his judicial responsibility and enganed in judicial and criminal mischief] - SEE PARAGRAPHS 13.3.001 ET SEQ ABOVE - I again alerted the judge as to the rampant unlawfulness in Ct procedings [DSI 169 and DSI 173];

[ii] The judge froze the bench for an year [DSI 165-176]; [iii] The judge dismissed my complaints - DSI 176;

[iv] I requested the judge to place a typed transcript of the 2/16/1990 oral argument [referenced above] on the docket in the interest of justice - DSI 181; but the judge refused [distorting my petition] - DSI 185; and I again emphasized "the interest of justice" vis-a-vis my request

to have the court place a typed transcript of the 2/16/1990 oral argument on the docket - DSI 192; but to no avail DSI 195 [last docket entry].

A P P E N D I X M :

1.5.000 C.A. PRE-ARGUMENT PROCEEDINGS

1.5.01 I filed pre-argument motions, including my fourteen pre-argument motions filed 7/24/1991 in which, among other, I moved the C.A. to act on therein profusely documented and meticulously detailed evidence of corruption and organized crime in the Court of Appeals for the Third Circuit and in the lower court [U.S.Dist Ct, Camden, New Jersey].

1.5.02 A two-judge panel ruled on my said fourteen motions, refusing to do anything about my concerns of clear unlawfulness in court proceedings. I filed subsequent motions requesting ruling by a THREE JUDGE panel, but to no avail.

2.00 STATEMENT OF RELATED CASES :

(i) - C.A. # 89 - 5346; - Filed April 20,1989; - Int. Appeal praying for Dist Judge to recuse himself for wilful and malicious distortion of facts of case in ruling,exhibition of bias; mischief and abuse of discretion; - the interlocutory appeal was not heard: reason given was that final judgment was lacking;

(ii) - C.A. # 89 - 5947; - Filed November 29,1989; - Int. Appeal charged obstruction of justice, wilful and premeditated stonewalling of discovery, and unlawful and collusive judicial activity involving the Dist Judge, the U.S.Magistrate, defense counsel, and defendants; - Plaintiff-appellant further offered documented evidence that there were serious irregularities involving the C.A. Clerk and the Staff Attorneys vis-a-vis this interlocutory in regard to, among other, plaintiff-appellant's Argument Brief- SEE in this regard Appellant's

pre-argument motions, with a thereto-appended Appendix filed 7-24-1991, therein page 12 / line 8 ff in that document; - said interlocutory appeal was not heard either; with the reason given that said appeal lacked final judgment;

(iii) LIST OF MANDAMUS PETITIONS TO THIS COURT : (i) - C.A. # 90 - 5001; - Plaintiff-Appellant's Petition for a Writ of Mandamus;

- Filed 1-5-1990; - Denied 1-22-1990;

- SEE, FOR SERIOUS IRREGULARITIES IN THE PROCESSING of the Mandamus Petition : appellant's 7-24-1991 preargument motions, page 12 / lines 9 through 16 therein.

12.00 STATEMENT OF PRE-ARGUMENT PROCEEDINGS IN THE C.A. :

My fourteen profusely documented and meticulously detailed pre-argument motions filed 7-24-1991 with the C.A. sought relief from, among other, ongoing

violation of my rights in and out of the Federal courts. The court via a two judge panel permitted me to proceed on the original record, but denying my other motions, including motions for the appointment of counsel and for an investigation of blatant and profusely documented corruption in both the Dist Ct and in thes Appellate Court. I filed motions 9-9-1991 and on 9-18-1991 requesting a rehearing on the 7-24-1991 motions via a three judge panel, pointing out that C.A. Court Rules were violated when a two judge panel ruled on my 7-24-1991 motions. Said motion was denied by C.A. Judge Becker on 10-4-1991 sans an opinion.